

Maryland. Constitutional Convention, 1967 - 1968.

Delegate Proposals.

V. 4, No. 301 - 445.

Constitutional Convention

DELEGATE PROPOSAL NO. 301

BY DELEGATE FINCH

October 5, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Declaration of Rights,
2 of the Constitution, provide that the freedom
3 to think and the freedom to create shall not
4 be abridged, each person remaining responsible
5 for the abuse of these rights.
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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 301

By Delegate Walter G. Finch, Ref to Personal Rights
and the Preamble

This is a proposal that the Declaration of Rights, provide that the freedom to think and the freedom to create shall not be abridged, each person remaining responsible for the abuse of these rights.

Specifically, there are at least two issues here that are being considered. First, the problems created by extra-sensory perception, and secondly, the problems created by the so-called lie detector, which will indicate on charts actually what a person is thinking.

Very often, a lie-detector test is forced upon an individual by industries, businesses and sometimes this is also used in criminal cases by individuals who are not fully aware of the significance of the lie-detector. In essence, the lie-detector does assist to help convict the person himself. There is a United States Constitutional guaranty that one does not have to incriminate himself. In reality, when a person is given a lie detector test without fully realizing the implications of the possible results, he is, in essence, incriminating himself.

This proposal would further guarantee, as other recent decisions of the Supreme Court have attempted to guarantee, that citizens will be provided every possible right to exist in our society with the equity and equality issues being the same for each person in each level of society.

Aside from the criminal issue, there are a number of businesses and industries, and, in fact, indirectly, some governmental agencies require individuals to take lie-detector tests periodically. Depending on the results, the individual either stays or leaves the particular office with which he was employed. In other circumstances, the individual's employment itself depends on the outcome of such a lie-detector examination.

There are serious defects with the use of the lie-detector. The basic one seems to be well established today that even though a good machine cannot be so-called "beaten", it is known that the examiners can be fooled and very often, the examiners are not fully qualified in the eyes of some of the professional people in the field.

For example, there are no specific requirements in the State of Maryland to be a lie-detector examiner. There are few specific requirements any place in the country before a person can be fully registered as a lie-detector examiner.

There are some machines within the State of Maryland where a person can be indoctrinated for a period of an hour or two. That person can then contact industrial leaders and be prepared to give examinations to prospective employees or employees who are having their honesty check.

The real critical issue here is that quite often the analyses and interpretation of the machine results are not necessarily valid and an individual very often, is probably moved along, or is not employed because of some findings which could hardly be categorized as scientific in this day and age.

It should be noted that in criminal cases within Maryland, it is possible for the State's Attorney and the Defense Counsel to stipulate one to the other, that the defendant may be allowed to undergo a lie-detector examination. The results of that examination then will be submitted as evidence by one side or the other.

This hardly seems fair in this day and age, because a person who is bonafidely innocent and who wants to establish his innocence through the use of the lie-detector machine and this coupled with the possible faulty examiner or a possible faulty machine, would have the individual agreeing to a situation which in essence, would tend to incriminate him through errors on the part of a person or machine. The rights of our citizens should be protected against such a possible error.

As previously pointed out, many problems could be raised in the future, with the advent of extra-sensory perception and the event it develops into a science.

It is to be pointed out that in the issue of The Nation, dated May 9, 1966 on pages 550 through 553 "ESP: Science or Delusion?" it was reported that the Russians now have eight large laboratories experimenting with extra-sensory perception and that they were getting remarkable results. It was pointed out that they "conducted experiments which, if the results are half as good as the Russians claim, indicate that they may be the first to put a human thought in orbit or achieve mind-to-mind communication with men on the moon." It has also been reported that the U.S. atomic submarine Nautilus has engaged in highly successful ship-to-shore telepathy experiments. It is also known through various publications that in this country various scientific laboratories are studying the problem, not only for civilian use but for military use. However, governmental scientists are unwilling to talk publicly about the subject.

However, they admit that they are still interested and hope that somewhere there will be a breakthrough in this particular field. If so, the ability to read one's mind or to communicate with a particular person can create many problems. It is the purpose of this proposal, therefore, to have a provision in the Constitution that the freedom to think shall not be abridged. The same reasoning would apply to the freedom to create.

For further information on this subject see "A Method of Training in ESP" by Milan Ryzl, pages 501 through 529 in the International Journal; an article entitled "On Information - Theoretic Approaches to ESP", by C. P. Chari, pages 533 through 549 in the International Journal; and an article entitled "Parapsychology as Science" by John Belonff, pages 91 through 97 in the Journal of Parapsychology, dated June, 1967.

Marshall Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 302

BY DELEGATE FINCH

October 5 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 every citizen may freely speak, write and pub-
3 lish his sentiments on all subjects, being re-
4 sponsible for the abuse of that right.

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THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

LONDON

Printed by J. Streater, at the Sign of the Gun, in St. Dunstons Church-yard, near St. Dunstons Church, in the Strand

1704

MDCCIV

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 302

By Delegate Walter G. Finch , Ref. to Personal Rights
and the Preamble

Regarding Delegate Proposal No. 302, this is a proposal that the Constitution provide that every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right.

This is in line with the U. S. Constitution and it is not really a duplication, but is something that should be looked at as a re-emphasis on a most important right. This would further guarantee the citizen of Maryland one of the basic rights on which this Country is founded.

University of Maryland
College Park, Md

Constitutional Convention

DELEGATE PROPOSAL NO. 303

BY DELEGATE FINCH

October 5, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 private property shall not be taken or damaged
3 for public use without just, reasonable and timely
4 compensation. In computing such compensation,
5 consideration shall be given to the fair market
6 value of the property at the time of the taking,
7 including, but not limited to, intangible values,
8 such as appreciation value in the reasonable
9 future and "goodwill" for business enterprises.
10 Any such condemnation proceeding shall be
11 subject to timely notice and public hearings as
12 specified by law.

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THE HISTORY OF THE UNITED STATES

OF AMERICA

1776

The first of the thirteen original states to declare their independence from Great Britain was the State of Virginia. On July 4, 1776, the Continental Congress adopted the Declaration of Independence, which was signed by representatives from twelve of the thirteen colonies. The document declared that the colonies were no longer part of the British Empire and that they were now free and independent states. The signing of the Declaration of Independence is considered one of the most important events in American history.

CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 303

By Delegate Walter G. Finch, Ref. to Personal Rights and the Preamble.

It is essential that the Constitution contain a provision that private property shall not be taken or damaged for public use without just, reasonable and timely compensation. In considering this proposal, consideration should also be given to Delegate Proposal No. 151 which provides that there will be proper Constitutional safeguards against taking of property by eminent domain for public purposes in order to protect private property rights.

This proposal requires that either before or after the property has been taken, in computing the compensation that is to be paid for the property, consideration should be given for the fair market value of the property prior to the time of taking, and at the time of taking, including, but not limited to, any intangible values such as appreciation value in the reasonably near future due to expected changes in the area. Also, consideration should be given to the replacement costs to obtain a property having similar characteristics.

With respect to business enterprises, when property is taken, in addition to the facts as mentioned above, consideration should be given to the going "goodwill" of the business which is being condemned for public purposes.

Also, it is essential that the Constitution contain a provision that any condemnation proceeding shall be subject to timely notice and public hearings as to the taking of the property or business.

1911
Library
George Peck, 1911

Constitutional Convention

DELEGATE PROPOSAL NO. 304

BY DELEGATE FINCH

October 5, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIMER, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 the legislative term shall begin with the
3 calendar year following the election of the
4 members. The Legislature shall convene on the
5 Third Wednesday of January. The legislators-
6 elect shall meet no later than the first Monday
7 after December 1 following their election
8 solely to organize and elect officers for the
9 legislative term following.

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THE JOURNAL OF THE ROYAL ANTHROPOLOGICAL INSTITUTE

Volume 100, Part 1, 2000

Edited by
Professor Sir Ian H. Marshall, University of Cambridge

Published by the Royal Anthropological Institute, 21, BEDFORD SQUARE, LONDON, WC1R 4EJ, UK

Subscription prices (which include postage) for institutions are £100.00 per volume (US\$150.00 in the USA, Canada and Mexico)

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate proposal No. 304

By Delegate Walter G. Finch, referred to The Legislative Branch

It is urged that the Constitution contain a provision that the Legislature shall convene on the third Wednesday of January, with the legislators-elect meeting no later than the first Monday after December 1 following their election solely to organize and elect officers for the legislative term following.

This proposal retains the same date for the convening of the General Assembly as is provided for under Article III, Section 14 of the present Constitution and as is suggested by the Commission draft. The proposal would also impose upon the members of the legislature the obligation of holding a meeting for the purpose of organizing and electing the presiding officers for the ensuing legislative term. This type of organization meeting would enable the legislature to start immediate consideration of the important matters before it, and decrease the possibility that during the closing days of a regular session precipitous and improvident legislation would be enacted because of an impending constitutional deadline for adjournment. Such a preliminary meeting would also provide an opportunity to acquaint the newly elected members of the General Assembly with the legislative process.

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University of Toronto Library
St. George's Hall

Constitutional Convention

DELEGATE PROPOSAL NO. 305

BY DELEGATE FINCH

October 5, 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Declaration of Rights, of
2 the Constitution, provide that records of the
3 state, local governments, public authorities
4 and other public corporations, and all depart-
5 ments, agencies and instrumentalities thereof,
6 including those created pursuant to an agree-
7 ment or compact with another state or foreign
8 power, and records pertaining to pardons and
9 reprieves and remittance of fines and forfeit-
10 ures, shall be public records open to inspec-
11 tion to the extent and in the manner provided
12 by law.

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THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

OF

THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

THE FIRST

FROM THE

ORIGINAL MANUSCRIPTS

IN THE

LIBRARY OF THE

UNIVERSITY OF OXFORD

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THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

THE SECOND

FROM THE

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THE THIRD

FROM THE

ORIGINAL MANUSCRIPTS

IN THE

CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 305

By Delegate Walter G. Finch, Ref to General Provisions

This proposal would grant to the public, in the manner specified by law, the right to inspect the records of the state, local government, and public authorities.

In considering this proposal, consideration should be given to Delegate Proposal No. 140 and the arguments set forth there for the right to inspect the files pertaining to the granting of pardons and reprieves and the remittance of fines and forfeitures.

The only exception to this, it is believed, would be medical records, or any secrecy agreements between the state and federal government relating to national security.

Thus, records of the state, local governments, public authorities and other public utilities and corporations, together with all departments, agencies and instrumentalities thereof, including those created pursuant to an agreement or compact with another state or foreign power, shall be public records open to inspection to the extent and in the manner prescribed by law, except for medical records and any agreements or understandings relating to state and national security.

Maryland Room
University of Maryland Library
College Park, MD

Constitutional Convention

DELEGATE PROPOSAL NO. 306

BY DELEGATE FINCH

October 5 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 new apportionment standards shall require
3 election districts to be substantially equal
4 in total population, as determined by the
5 Federal decennial census; that the election
6 districts shall be contiguous and compact; and
7 that, wherever practicable, pre-existing
8 political subdivision boundaries and natural
9 geographical boundaries shall be used as district
10 boundaries. Gerrymandering for any purpose is
11 prohibited.

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THE JOURNAL OF THE ROYAL ANTHROPOLOGICAL INSTITUTE

Vol. 100, Part 1, 1970

Edited by
J. H. REES, F.R.S.

Published by
The Royal Anthropological Institute
21, BEDFORD SQUARE, LONDON, W.C.1

Subscription prices (including postage)
1970: £12.00 (UK), £14.00 (overseas)

Single issues: 50p (UK), 60p (overseas)

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 306

By Delegate Walter G. Finch, Referred to The
Legislative Branch

This proposal should be considered with Delegate Proposal No. 256. This proposal set up standards for apportionment and reapportionment which have, as their ultimate goal, a system of equal, effective representation. With the exception of the equal population requirement, the guidelines set forth are not constitutional but legislative standards.

Looking at the standards as a whole, they represent an attempt to achieve genuine equality while avoiding the uneven, jigsaw districting pattern born of political manipulating; and strive, further, to maintain the real, functional political subdivision boundaries which have existed as a natural part of our political structure.

Gerrymandering is prohibited. The constructing of districts in any pattern or shape necessary to achieve a political advantage or deliver a decisive bloc of votes is, clearly and simply, a direct reflection of the efforts of a particular political party to use its power to perpetuate its reign and is wholly out of harmony with the enlightened concept of equality of voting and equality of representation.

Constitutional Convention

DELEGATE PROPOSAL NO. 307

BY DELEGATE FINCH

October 5, 1967.

Introduced, read the first time and referred to the Committee on
The Judicial Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 a judge who has reached the mandatory retirement
3 age shall be permitted to continue to hold office
4 if he is certified as being mentally and physically
5 competent.

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N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 307

By Delegate Walter G. Finch, Ref. To The Judicial Branch

This proposal would make it a Constitutional provision that judges be allowed to continue to serve on the bench based on a certification of need and capability.

Under this proposal, a judge once he has retired at the age of 70 or the mandatory age, it would still be possible for him to be certified in a manner prescribed by law that his services as a judge are necessary in order to expedite the business of the court system of the State. In this certification, it would be necessary that he be certified to be mentally competent and physically able to perform the full duties of his office.

In the certification, once it is given, would be valid for a term of two to three years and could be extended as provided by law for additional term or terms.

By the use of the services of a judge who has had long experience in the judiciary, it is felt that this would help to reduce the case load and lead to a more effective and efficient judiciary system, helping to give better justice to criminals and also bringing about a more effective judicial system for handling of civil cases.

1000 10th Street, San Francisco, CA 94103

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Constitutional Convention

DELEGATE PROPOSAL NO. 308

BY DELEGATES TAWES, CLARK, JAMES, ANDERSON, FORNOS,
HENDERSON, E.C. MURRAY, NEILSON, PASCAL, SOSNOWSKI,
ULRICH, WEIDEMEYER, ABRAMSON, ADKINS, BEALI, BOILEAU,
BOYCE, BRYSON, BUZZELL, DORSEY, DUKES, ECKENRODE,
FOX, FREDERICK, GALLAGHER, HARRIS, HOPKINS, HUTCHINSON,
KAHL, LEITZEL, MALKUS, MASON, MAURER, MORGAN, NEUMANN,
ROBEY, ROBIE, ROLLINS, SYBERT, VECERA, AND
WAGANDT.

October 5, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Annapolis is the capitol of
2 the State and the meeting place of the legisla-
3 ture. The legislature ought not to be convened,
4 or be held at any other place, but from evident
5 necessity.

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THE HISTORY OF THE

REIGN OF

CHARLES THE FIRST

BY

JOHN BURNET

1679

LONDON

Constitutional Convention

DELEGATE PROPOSAL NO. 309

BY DELEGATE GILL

October 6 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the new Constitution provide
2 for a record vote on final committee disposal
3 of all bills in the General Assembly to read
4 as follows:

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7 All final committee votes on all bills in
8 both houses of the General Assembly shall be
9 by individual recorded vote entered in the
10 daily journal of the appropriate house.

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Constitutional Convention

DELEGATE PROPOSAL NO. 310

BY DELEGATE JAMES

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article VII of the Constitution
2 on Local Government contain a provision dealing
3 with municipal corporations, to read as follows:

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8 Subject to the right reserved to the General
9 Assembly to enact both local and general laws
10 concerning the incorporation, merger, dissolution,
11 and alteration of boundaries of municipal cor-
12 porations, the General Assembly shall provide by
13 general law for the government of municipal cor-
14 porations; and it shall permit each municipal
15 corporation to frame and adopt a charter for its
16 own self-government within the limits and by pro-
17 cedures defined by the general law. Municipal
18 corporations existing on the effective date of
19 this Constitution shall retain their charter powers
20 until changed pursuant to the provisions of this
21 section.

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Constitutional Convention

DELEGATE PROPOSAL NO. 311

BY DELEGATE GILL

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the new Constitution
2 provide for a referendum in all counties
3 affected by a boundary change, to read as
4 follows:
5
6 Section 7.02. (Second sentence) A law
7 altering the boundaries of a county shall
8 be enacted only by the affirmative vote
9 of at least three-fifths of all the members
10 of each house, and shall be subject to affir-
11 mative action by a majority of the registered
12 voters voting in each of the affected counties.
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Journal of the American Medical Association

PUBLISHED WEEKLY
Subscription price, \$5.00 per annum in advance

Published by the American Medical Association, 535 North Dearborn Street, Chicago, Ill. 60610

Second-class postage paid at Chicago, Ill., and at additional mailing offices. Postmaster: Send address changes in this journal to JOURNAL OF THE AMERICAN MEDICAL ASSOCIATION, 535 North Dearborn Street, Chicago, Ill. 60610.

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Constitutional Convention

DELEGATE PROPOSAL NO. 312

BY DELEGATE (S) Mitchell and White

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Section on Suffrage and
2 Elections of the Constitution contain the
3 following provision:

4
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6
7 The right to vote in any election or on any
8 question submitted to the electorate in the
9 state, counties, municipalities or other
10 political subdivisions shall not be abridged
11 on account of religion, race, color, sex, or
12 economic circumstance.

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Constitutional Convention

DELEGATE PROPOSAL NO. 313

BY DELEGATE GALLAGHER

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the new Constitution shall
2 limit the power of the state legislature to
3 enact special legislation, to read as follows:
4 Special Legislation. The legislature shall
5 pass no special or local act when a general act
6 is applicable, and whether a general act is
7 applicable shall be a matter for judicial
8 determination.
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Constitutional Convention

DELEGATE PROPOSAL NO. 314

BY DELEGATE GILL

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the State Finances Article
2 of the new Constitution shall provide as
3 follows:
4
5 The State of Maryland shall begin an orderly
6 and progressive transition from the policy
7 of incurring long-term indebtedness to
8 financing all expenditures on an annual
9 basis.
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Constitutional Convention

DELEGATE PROPOSAL NO. 315

BY DELEGATE GILL

October 6, 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the State Finances Article
2 of the new Constitution shall provide as
3 follows:

4
5 The governor's budget shall be enacted by
6 both houses of the General Assembly four-
7 teen days before the conclusion of the
8 regularly scheduled session.
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Constitutional Convention

DELEGATE PROPOSAL NO. 316

BY DELEGATE GILL

October 6, 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the State Finances Article
2 of the new Constitution shall provide as
3 follows:

4
5 The appropriate standing committees of the
6 Senate and House of Delegates shall meet
7 jointly throughout the year to consider
8 the governor's budget.
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Constitutional Convention

DELEGATE PROPOSAL NO. 317

BY DELEGATE GILL

October 6, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the new Constitution
2 provide that no new legislation be
3 introduced during the last nine days
4 of the regular session of the General
5 Assembly, to read as follows:

6
7 Section 3.16. (additional sentence)
8 No bill shall originate in either
9 house during the last nine days of
10 the regularly scheduled session.
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Constitutional Convention

DELEGATE PROPOSAL NO. 318

BY DELEGATE FINCH

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution shall contain
2 a provision requiring the General Assembly to
3 provide for continuity of government in the event
4 of a major diaster or major enemy attack, includ-
5 ing, but not limited to, atomic, nuclear, gas,
6 chemical and bacteriological warfare.

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N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 318

By Delegate Walter G. Finch , referred to The Legislative
Branch

The new Constitution, it is felt, should contain a provision which would require the General Assembly to provide for continuity of government in the event of a major disaster or major enemy attack, including, but not limited to, atomic, nuclear, gas, chemical and bacteriological warfare, as outlined below.

The main purpose of government, as it exists today in our country, is to organize and oversee the various affairs of the community - to provide leadership and direction, to encourage and foster economic growth, and promote the general welfare of the citizens. Such functions are no less crucial in times of peril or disaster; in fact, in the wake of the aftermath of a major enemy attack of any kind, the organization and assistance that a well structured government can give its people may well prove determinative as to whether the population survives or perishes.

Any government body is structured around what could be termed a chain of command. As long as the clear passage of authority is preserved, the wheels of government can turn but if the chain of authority is broken, the wheels inevitably grind to a halt. It is therefore incumbent upon the creators of the governmental structure to insure that the chain of command of governmental authority is preserved from the highest echelon to the lowest figure so that, in time of peril or disaster when the need is greatest, the government will be able to respond to crises and use its services.

Not only is the preservation of the chain of command vital in preserving the continuity of government but other measures need to be considered as well - the physical locations of the seat of government in event of enemy attack; the possible altered roles of various officials to meet the crises and other like measures. These considerations, in these times, are fundamental. To neglect them is to fail to face up growing realities.

William Brewster

May 10, 1897

London, N.Y.

Constitutional Convention

DELEGATE PROPOSAL NO. 319

BY DELEGATE BOYER

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution contain the
2 following provision dealing with the adoption
3 by the State of the Common Law of England, such
4 of the English Statutes which are applicable to
5 local circumstances, the Acts of Assembly which
6 are appropriately enforceable and entitling the
7 citizens of Maryland to all property derived by
8 charter from the King, to read as follows:

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10
11 That the Inhabitants of Maryland are en-
12 titled to the Common Law of England according to
13 the course of that Law, and to the benefit of
14 such of the English Statutes as existed on the
15 Fourth day of July, seventeen hundred and seventy-
16 six; and which, by experience, have been found
17 applicable to their local and other circumstances,
18 and have been introduced, used and practiced by
19 the Courts of Law or Equity; and also of all Acts
20 of Assembly in force on the first day of June,
21 eighteen hundred and sixty-seven; except such as
22 may have since expired, or may be inconsistent
23 with the provisions of this Constitution; subject
24 nevertheless, to the revision of, and amendment or
25 repeal by, the Legislature of this State. And
26 the Inhabitants of Maryland are also entitled to
27 all property derived to them from, or under the
28 Charter granted by His Majesty Charles the First
29 to Caecilius Calvert, Baron of Baltimore.

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THE JOURNAL OF THE ROYAL ANTHROPOLOGICAL INSTITUTE

Volume 100, Part 1, 1970

London: Taylor & Francis Ltd.

Editor: Sir J. H. Huxley, F.R.S., University College, London
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Constitutional Convention

DELEGATE PROPOSAL NO. 320

BY DELEGATE K. L. ROBIE

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article IV, Section 4.21 of the
2 Constitution dealing with the appointment of
3 members of boards which serve as the head of
4 principal departments read as follows:

5

6

7 The members of each board or commission which
8 serves as the head of a principal department,
9 except the governing board of an institution
10 of higher education and the state public school
11 system, shall be appointed by the governor and
12 their terms of office shall be prescribed by law.

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Constitutional Convention

DELEGATE PROPOSAL NO. 321

BY DELEGATE FINCH

October 6, 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 Amendments to this Constitution may be proposed
3 either by the affirmative vote of three-fifths
4 of all the members of each house of the General
5 Assembly of two successively elected Legislatures,
6 or by a majority of all the members of a
7 Constitutional Convention called by the General
8 Assembly, In either case, the proposed amendment
9 shall be submitted to the voters of the State at
10 a special or General election as determined by
11 the General Assembly.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 321

By Delegate Walter G. Finch

This proposal requires that before an amendment can be added to the constitution, that all of the members of each house of the General Assembly of two successively elected Legislatures, be required to approve the amendment with the amendment subsequently being submitted to the voters of the State at a special or General election as determined by the General Assembly. This proposal differs from the provision of the commission in that here two successively elected legislatures would pass on an amendment to the constitution while in the commissions draft only one is required to do so. Thus, the minimum number of years required to get an amendment to the constitution would be two and a maximum of five years.

The main departure of this proposal from the draft provision on amendments is the requirement of passage by a 3/5 vote of all members of the General Assembly by two successively elected legislatures before it can be submitted to the electorate for its ratification. Such is designed to prevent or discourage improvident legislative action. This procedure insures consideration of any amendment by two distinct differently constituted legislative bodies and thus prevents the presumptuous action of one from being submitted to the electorate for ratification.

Maryland House
University of Maryland Library
College Park, Md

University of Maryland
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 322

BY DELEGATE FINCH

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 any attempt to interfere with any law enforce-
3 ment officer's investigation shall be reported,
4 within 24 hours following such attempt, to the
5 Attorney General or to the local State's
6 Attorney.

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 322

By Delegate Walter G. Finch - referred to The Executive
Branch

This proposal would provide a provision in the Constitution that any attempt to interfere with any law enforcement officer's investigation shall be reported within 24 hours following such attempt, to either the local States Attorney or the Attorney General of Maryland.

In order that law enforcement be effective, prompt and thorough investigation is necessary. That is, if the law is to have any meaning, it must be enforced and a natural prelude to enforcement is investigation. Investigation that is hindered or biased, incomplete or pre-determined not only does not aid justice-- it perpetrates injustice.

One of the most ominous evils that can attach itself to a system of laws is the power of a person or persons to shield themselves from the workings of the law - the ability to interfere with a law enforcement officer's investigation is tantamount to the ability to remain aloof from the law. If all men do not stand equal before the law, the law will never preserve order in the realm because the law will never be intrinsically accepted or respected by the bulk of the people.

It is basic then that the process of investigation must be protected against powerful outside influences which would seek to tamper in order to shield themselves. Such protection should be written into the Constitution so that it can never, thereafter, be eroded by legislation designed to grant advantage to any vested interests.

As to the nature of the protection that could be afforded the vital investigative process, it would suffice, for purposes of revealing the source or type of attempted interference, if the law enforcement officer conducting an investigation were required to report any attempted interference to the Attorney General or State's Attorney. The higher authority would then be charged with the obligation of investigating the affair and taking proper official action against the interference.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 323

BY DELEGATE FINCH

October 6, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 the General Assembly may enact legislation to
3 renew and rebuild communities, to design and
4 develop new communities, programs and facilities
5 to enhance the physical and economic environment,
6 health, welfare, social well-being and develop-
7 ment of the people of the State, and to encourage
8 the expansion of economic opportunity for all.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 323

By Delegate Walter G. Finch, referred to The Legislative Branch

In this proposal, it is felt essential that there should be a provision in the Constitution which would provide that the General Assembly may enact legislation to renew and rebuild communities, to design and develop new communities, programs, and facilities to enhance the physical and economic environment, health, welfare, and social well-being and development of the people of the State, and in addition to encourage the expansion of economic opportunity for all.

It is becoming increasingly evident that one of the major problems of urban living is overcrowdedness - lack of useable, liveable space precipitated by poor or nonexistent community planning. The consequences of this problem come to light in incidents of riot, bleak poverty, and economic waste.

The problems of the present, the plight of urban ghettos for example, are traceable largely to inadequate planning in the past, lack of initiative, and misuse of resources. If the future is to be brighter in this regard, the State will have to assume the initiative and the responsibility for alleviating economic misery by careful, farsighted community planning and development.

Private industry may or may not take a greater role in planning to insure that the optimum use is made of available land and that community facilities are coordinated to provide efficient useage for all. The State must act insofar as it can plan, encourage, stimulate, and guide the economy without overriding cherished individual rights; the legislature must act as it is the only authorized, centralized body which is directly responsible for the welfare of all of the citizens.

A constitutional provision which would clearly direct or even indicate or encourage the legislature to act in the direction of urban renewal and other economic betterment schemes would fulfill the obligation of the creators of a new constitution to a better tomorrow for the people of Maryland.

Mirland Room
University of Maryland Library,
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 324

BY DELEGATE FINCH

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the State furnish necessary
2 medical attention and mental and physical re-
3 habilitation for all State citizens, who are
4 financially and economically incapable of
5 paying for such services.
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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 324

By Delegate Walter G. Finch, Ref. to Personal Rights
and the Preamble

This proposal urges that the Constitution contain a provision which would require the State to furnish necessary medical attention and mental and physical rehabilitation for all State citizens, who are both financially and economically incapable of paying for such services, provided that this condition be proven.

This proposal, therefore, concerns itself with the Constitutional provision that necessary medical attention and mental and physical rehabilitation will be provided for all State citizens. This specifically is intended to aid those persons financially and economically incapable of paying for such services and should be a basic constitutional law within our State. This is something currently being attacked through a number of different programs within the State. Some services being provided through private organizations, and some services being provided through publically supported state organization, city organizations and county organizations.

This provision would make it a basic responsibility of the State of Maryland as a government, to provide for the mental and physical needs of its citizens both young and old. This, of course, would include the growing problem of drugs and the narcotics problem and would include the treatment and control of these and other related problems.

It is further pointed out that this proposal as set forth in the Constitution, would give many young people in our Society the opportunity to be both physically, mentally and morally rehabilitated and thus, such young people would contribute materially to the State in many facets of its activities.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 325

BY DELEGATE FINCH

October 6 , 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 State, county, or local governments, or any other
3 public corporation may grant to any private person,
4 association, organization or corporation, in any
5 year or annually thereafter, by contract or by
6 loan, its money for economic, social and community
7 development; the proceeds of such loans shall be
8 used only for capital expenditures(including
9 necessary facilities and equipment to furnish
10 buildings or facilities resulting from the capital
11 expenditures).

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 325

By Delegate Walter G. Finch

Maryland Room
University of Maryland Library
College Park, Md.

Referred to: Committee on State Finance and Taxation

This proposal would provide in the Constitution that the State, county or local governments or any other public corporation may grant to any private person, association, organization, or corporation, in any year or annually thereafter, by contract or by loan, its money for economic, social and community developments, with the proceeds of such loans to be used only for capital expenditures (including necessary facilities and equipment to furnish buildings or facilities resulting from the capital expenditures).

Many state constitutions are now providing that the General Assembly may create suitable legislation for the state, county, or local governments or other public corporations to grant or loan to any person, association, organization or corporation, by contract or by loan, its money for economic, social and community developments.

For example, in the new proposed constitution for New York, it is provided that the Legislature may create a public corporation as an instrumentality of the state for the purpose of insuring and guaranteeing contracts of indebtedness of persons, associations, and public and private corporations, for economic and community development purposes. It is further provided that such corporation may issue its own obligations for such purpose and the state may guarantee such obligations as well as to make direct appropriation to such corporation from otherwise available revenues or from the proceeds of the sale of bonds issued for that purpose.

Thus, this proposal would lead to further economic, social and community developments if such an arrangement were provided for in the new Maryland Constitution by a broad mandated statement to this effect.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 326

BY DELEGATE GALLAGHER and GILCHRIST

October 9 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the new Constitution
2 provide for the slot system of election
3 in multi-member districts, to read as
4 follows:
5
6 Section 3.04 (additional sentence) In all
7 multi-member districts in both the Senate
8 and the House of Delegates, each legislative
9 seat shall be separately designated by
10 number and each candidate shall run for only
11 one designated seat.
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MEMORANDUM TO ACCOMPANY DELEGATE PROPOSAL NO. 326

Widespread use is being made today of the slot system, under which the individual seats in multi-member districts are separately designated and separately elected. Each seat is separately identified by number and each candidate runs for only one designated seat.

There are two major purposes for adopting the slot system. In the first instance, it prevents incumbent Senators and Delegates from being competitors with one another when they run for re-election in multi-member districts. It also enables challengers to pick exactly the incumbent Senator or Delegate they would like to displace.

In the second instance, the slot system eliminates the practice of single-shooting in multi-member districts. Since the candidates are running for one designated seat rather than a number of seats, there is no advantage to the individual voter in casting just one vote for his favorite candidate and letting his other two votes go to waste. Under the slot system, a voter can cast all three ballots individually and not harm his favorite candidate by so doing.

Francis X. Gallagher
C. William Gilchrist

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 327

BY DELEGATE FINCH

October 9, 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 the General Assembly shall not enact an ex post
3 facto law.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 327

By Delegate Walter G. Finch

This proposal urges that a provision be contained in the Constitution that no ex post facto law be enacted by the General Assembly in both the criminal and civil fields.

Some jurists have insisted that the members of the original, Federal Constitutional Convention intended the ex post facto clauses to ban all retrospective laws. See Crosskey, "The True Meaning of the Constitutional Prohibition of Ex-Post Facto Laws", 14 U. Chi. L. Rev. 539 (1947). There is some history to support this broad reading but the familiar case of Calder v. Bull [3 US 386 (1798)] interpreted the phrase as applying only to penal laws.

However, despite Calder v. Bull, the Supreme Court has not restricted the ex post facto clause to statutes which are labeled "criminal statutes". Rather, it has held that legislation which is essentially prohibitive cannot escape the prohibition of retroactivity merely by being cast in civil form. See Cummings v. Missouri, 71 US 277 (1867) and Ex Parte Garland, 71 US 333 (1867). The test, then, is whether a civil enactment levies "punishment". This is the state of the ex post facto clause, yet today as far as the Federal Constitution is concerned--penal laws and civil laws that "punish" (whatever they may mean) are invalid insofar as they act retroactively--what then of clearly civil, non-punishing laws?

Constitutional problems have been generated in the past by legislation that is retroactive in that it presently takes property that was acquired in the past but Calder v. Bull foreclosed the use of the ex post facto prohibition in this area. Antagonism to this type of taking resulted, however, in a generous reading of the contract clause. See Trustees of Dartmouth College v. Woodward 17 US (4 Wheat) 518 (1819). However, all retrospective civil legislation did not fall under this approach - from the beginning, it has been the view that the public good might sometimes require such enactments and that the interests affected thereby must yield to the general good. Under

this rationale, the Federal Constitution is read not to prohibit retroactive taking in almost all civil instances - the only possible recognized prohibition being the concept of "vested property rights". A divestiture of interests which are labeled "vested property interests" is a violation of due process - but what, in this context, are "vested rights"?

The point is that, while it seems that the Federal Government may enact valid retroactive civil legislation, the issue is highly debatable and should not be adopted by the states as a model or proper approach to the situation because the Federal Constitution itself is a source of conflict on the matter. Even further, the citizens of a state can find little comfort or protection in the Federal Constitution against a state taking by retroactive civil legislation - only the due process clause offers aid in this respect and only to the extent that "vested rights" can be defined (which is not appreciable so far). The State of Maryland should examine the problem of civil ex post facto laws on its own. Accept the Federal guide as far as the clear prohibition on penal laws which are retroactive, but re-examine the muddled, murky area of civil retroactivity. Beware, then, of allowing the State to so legislate when it seems that the Federal Government is already chewing at us via this method.

Just as the Federal Government is active in this area today, it is vital for the State to consider its designs in this field, for the state government too is depending more and more on achieving change thru techniques which call for compensation rather than reliance on the police power.

It is this writer's feeling that a study of the peril of retroactive civil legislation will reveal the horrible prospect of a man's finances and security being whittled away - for instance, by retroactive taxes - by programs designed to accomplish overrated, bureaucratic and partisan administrative or legislative goals. Certainly, the power to take property by retroactive legislation, such as taxes, is truly the unlimited power to destroy. Such a power is utterly inconsistent with a great and fundamental principle of a republican government - the right of the citizens to the free enjoyment of property they have legally acquired! The Constitutional Convention can guarantee that right as far as the State is concerned with it.

Constitutional Convention

DELEGATE PROPOSAL NO. 328

BY DELEGATE FRANK C. ROBEY, JR.

October 9 , 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide for
2 a separate Article concerning the establish-
3 ment of a Classified State Civil Service and
4 matters generally relating thereto, to read
5 as follows:
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10 ARTICLE _____ Classified State Civil
11 Service.
12

13 Section _____. 01 Establishment of a Class-
14 ified Civil Service.
15

16 The General Assembly shall provide by
17 law for the administration and maintenance
18 of a Classified State Civil Service system.
19 All personnel in the service of the state,
20 unless otherwise exempted by this Article,
21 shall be included in the Classified State
22 Civil Service.
23

24 Section _____. 02 Positions in the Classi-
25 fied Civil Service.
26

27 The said service shall consist of all
28 positions in the service of the state ex-
29 cept those filled by popular election,
30 heads of principal departments, members

1 of boards and commissions, the principal
2 executive officer of boards and commissions
3 heading principal departments, employees of
4 the legislature, employees of the state
5 institutions of education, and all persons
6 in the armed forces of the state. The Gen-
7 eral Assembly may provide for exempt posi-
8 tions for the staff of elected officials
9 of the state when requested by the officials
10 and additional exempt positions of a policy
11 making nature within each principal depart-
12 ment when requested by the department head
13 or principal executive officer.

14
15 Section _____. 03 Civil Service Commission
16

17 There is hereby established a Civil
18 Service Commission which shall consist of
19 seven persons not more than four of whom
20 shall be members of the same political
21 party, who shall be appointed by the Gov-
22 ernor, by and with the advice of the Sen-
23 ate, for terms of seven years, not more
24 than two of which shall expire in the same
25 year. No member of the Commission shall
26 become a candidate for or hold any elective
27 public office nor hold any other office or
28 position under the state while serving as
29 a member. The administration of the Com-
30 mission's power shall be vested in a State
31 Personnel Director who shall be a member
32 of the classified service and who shall be
33 responsible to and selected by the Com-
34 mission after open competitive examination.

35
36 Section _____. 04 Duties of Civil Service
37 Commission
38

39 It shall be the duty of the Commission
40 in a manner which may be prescribed by law,
41 to classify all positions in the said ser-
42 vice according to their respective duties
43 and responsibilities, fix rates of compen-
44 sation for all classes of positions, ap-
45 prove or disapprove disbursements for all
46 personal services, determine by competitive
47 examination and performance on the basis of
48 merit the qualifications of all candidates
49 for positions in the classified service,
50 make rules and regulations covering all

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personnel transactions, regulate all conditions of employment in the said service, and hear appeals from any member of the service who considers himself aggrieved.

Section _____. 05 Civil Service Commission, Appropriation and Budget.

The General Assembly shall provide an annual appropriation for the effective operation of the Civil Service Commission and maintenance of the Classified State Civil Service. The Commission shall furnish annual reports of expenditures to the Governor and General Assembly and shall be subject to audit as provided by law.

Section _____. 06 Right to Judicial Recourse.

Nothing contained in this Article shall be construed to diminish the right of any member of the Classified State Civil Service to direct and immediate legal or equitable remedies in the courts of this state.



Constitutional Convention

DELEGATE PROPOSAL NO. 329

BY DELEGATE FINCH

October 9 , 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 the State, or political subdivisions thereof, may
3 make outright grants, or loan monies by contract
4 or agreement, to State or local authorities
5 (acting in their official capacity only) for, but
6 not limited to, housing, urban and community re-
7 newal projects, and social and recreational pur-
8 poses.

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 329

By Delegate Walter G. Finch .

This proposal would provide in the Constitution, a broad mandate for economic and community development purposes including the renewal and rebuilding of communities, the development of new communities, and programs and facilities to enhance the physical environment, health and social well being of and to encourage the expansion of economic opportunity for the people of the State of Maryland.

Such a provision would be similar to that contained in the proposed new Constitution for New York. Other states are giving considerable consideration to incorporating such a provision in their state constitutions.

By such a provision, it would be possible for the Legislature to provide by suitable legislation to permit public monies to be granted or loaned to person, associations, or private corporations for economic and community and development purposes. Such economic and community development purposes would include the renewal and rebuilding of communities, the development of new communities, and programs and facilities to enhance the physical environment, health and social well being of and to encourage the expansion of economic opportunity for all the people of this State.

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Constitutional Convention

DELEGATE PROPOSAL NO. 330

BY DELEGATE SCANLAN

October 10, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Legislative Article of the
2 Constitution provide for the style, title and
3 subject of the laws of the State, and matters
4 generally relating thereto, to read as follows:
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9 The style of every law of this State shall
10 be, "Be it enacted by the General Assembly
11 of Maryland"; and the General Assembly shall
12 enact no law except by bill. Every law
13 enacted by the General Assembly shall embrace
14 only one subject, which shall be described
15 in its title, except that legislative
16 compliance with this requirement shall be
17 a constitutional responsibility not sub-
18 ject to judicial review. It shall be the
19 duty of the General Assembly, in reviving
20 or amending any article or section of the
21 code or law of this State to enact the
22 article, section or law as it would read
23 when revived or amended.
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Mathematical Analysis

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 330 by Del. Scanlan

The requirement that a law embrace only one subject, to be described in its title, had its origin in an earlier day, when printing facilities were limited and when there was little distribution of statutes to the people of the State. While the original reason for the rule has disappeared, the requirement still serves some purpose in alerting the members of the Legislature as to ^{the} subject matter of laws before them for consideration. While the requirement, therefore, perhaps should be retained, it seems desirable to limit its policing to the General Assembly initially and to the Governor through the exercise of the veto power.

A great body of highly technical decisional law has grown up explaining what is a "single subject". Rudd, No Law Shall Embrace More Than One Subject, 42 Minn. L. R. 389-452 (1958); Model State Constitution (6th Ed.), published by the National Municipal League (1963), p. 59. For the most part, the "single subject" rule has been a profitable sport for lawyers. In almost any attack on the validity of a statute, the claims, however tenuous, that the title is defective and that the bill embraces more than a single subject are raised. Over the years the Court of Appeals has strained to avoid invalidating a statute on such technical, unworthy grounds. On occasion, however, and as recently as last spring, the Court of Appeals set aside important legislation on the technical ground that it embraced more than one subject.

Delegate Proposal No. 330 would relieve the courts of the continuing chore of strained construction to preserve a statute

passed by the people's representatives. At the same time, it would retain in the Legislature and the Governor the constitutional duty to see that abuses of the requirement did not occur. I believe that the General Assembly can be trusted to live up to its constitutional responsibility in this area without the intercession of the courts.

Constitutional Convention

DELEGATE PROPOSAL NO. 331

BY DELEGATE (S) Bennett, Hardwicke, L. Taylor,
Beachley, White, Miller, Chabot, and Pullen

October 10 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Declaration of Rights
2 contain a provision regarding inalienable
3 rights that shall read as follows:

4
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7 The inalienable rights to life, liberty, and
8 to the pursuit of happiness shall be construed
9 as entitling every individual to such reason-
10 able standards of subsistence, educational
11 opportunities and medical attention as shall
12 from time to time be prescribed by law, and
13 it shall be the imperative obligation of the
14 state to make provision for their implementation.

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Constitutional Convention

DELEGATE PROPOSAL NO. 332

BY DELEGATE S TAWES AND JAMES

October 10, 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL establishing the Board of Public
2 Works, and matters generally relating thereto,
3 to read as follows:

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There shall be established a Board of Public
Works composed of the Governor, the Comptroller
and the Treasurer, which Board shall have such
powers as shall be vested in it by law. In the
event of the inability of a member to perform
his duties, the said member may designate a
nominee to act in his place and stead.

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THE JOURNAL OF THE ROYAL ANTHROPOLOGICAL INSTITUTE

Volume 100, Part 1, 2000

ISSN 0022-278X

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Constitutional Convention

DELEGATE PROPOSAL NO. 333

BY DELEGATE MAURER

October 10, 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article I, Section 1.04,
2 dealing with Due Process shall read as
3 follows:

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Section 1.04 Due Process

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No person shall be deprived of life, liberty or property without due process of law, or be denied the equal protection of the laws, or be subject to discrimination by law or other governmental action because of religion, race, color or national origin. The right of all persons to fair and just treatment in the course of legislative and executive investigations and administrative hearings shall not be infringed.

Constitutional Convention

DELEGATE PROPOSAL NO. 334

BY DELEGATE POWERS

October 10 , 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections
By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide
2 that the minimum age for voting be twenty-one
3 years unless an earlier age is established
4 by law.

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International Journal of Management

Volume 10 Number 1

January 1993

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Constitutional Convention

DELEGATE PROPOSAL NO. 335

BY DELEGATE MAURER

October 10, 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Declaration of Rights of
2 the Constitution shall include a mandate to
3 disclose information relating to state and local
4 governments, public authorities and corporations,
5 and agencies and instrumentalities thereof, to
6 read as follows:

7

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9 Records of the state, of local governments,
10 public authorities, public corporations and all
11 departments, agencies and instrumentalities there-
12 of, including those created pursuant to an agree-
13 ment or compact between governments, shall be
14 public records open to inspection unless other-
15 wise provided by law to protect individual rights
16 and to determine the time and manner in which
17 information will be made available.

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Constitutional Convention

DELEGATE PROPOSAL NO. 336

BY DELEGATE WHITE

October 10, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Declaration of Rights of
2 the Constitution contain a provision concerning
3 citizen's rights to read as follows:
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8 No citizen's rights shall be abridged be-
9 cause of political affiliation or belief.
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Constitutional Convention

DELEGATE PROPOSAL NO. 337

BY DELEGATE MAURER

October 10, 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide for the
2 establishment of a system of personnel administra-
3 tion in which the merit system will govern the
4 appointment and promotion of employees, to read
5 as follows:

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9 The legislature shall establish a system of
10 personnel administration in which the merit
11 principle will govern the appointment and promo-
12 tion of employees in the service of the State.
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Constitutional Convention

DELEGATE PROPOSAL NO. 338

BY DELEGATE MAURER

October 10, 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 4.18 of Article IV of
2 the Constitution dealing with the Executive
3 Branch shall provide for the Organization of
4 Principal Departments which shall read as
5 follows:

6
7 Section 4.18

8
9 All offices, agencies and instrumentalities
10 of the state government shall be assigned by law
11 to either the executive, legislative or judicial
12 branches except that regulatory and quasi-
13 judicial agencies and temporary commissions shall
14 be assigned to either the executive or legislative
15 branch.

16
17 Within the executive branch, each office,
18 agency and instrumentality shall be assigned to
19 a principal department except that regulatory and
20 quasi-judicial agencies and temporary commissions
21 may, but need not be established within a
22 principal department.

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Constitutional Convention

DELEGATE PROPOSAL NO. 339

BY DELEGATE GILL

October 10, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the new Constitution provide
2 for equality of access to information, to
3 read as follows:
4

5 All citizens of Maryland shall have
6 equality of opportunity of access to state
7 and local government information in regard
8 to jobs, housing, public accommodations,
9 public office, and economic data; without
10 regard to religion, race, or national origin.
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Constitutional Convention

DELEGATE PROPOSAL NO. 340

BY DELEGATE KIRKLAND

October 10 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk

TITLE

1 A PROPOSAL that the Constitution provide for
2 a bicameral legislature, the composition of the
3 legislature, and matters generally relating there-
4 to.

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9 The present bicameral legislature shall be
10 retained and there shall be 142 delegates and
11 43 senators, as in the present Legislature.

12

13 The two house legislature should be struc-
14 tured so that each house would represent, to
15 the largest degree possible, different con-
16 stituencies.

17

18 For the House of Delegates, the state shall
19 be divided into single-member districts.

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21 For the Senate, the state shall be divided
22 into five regional districts. Each district
23 would be serving an area of generally common
24 problems, interests, economic orientation and
25 population densities.

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Constitutional Convention

DELEGATE PROPOSAL NO. 341

BY DELEGATES KIRKLAND and SOSNOWSKI

October 10, 1967.

Introduced, read the first time and referred to the Committee on

General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide for
2 a statewide system of public higher education
3 and matters generally relating thereto, to read
4 as follows:

5

6

7

8 The General Assembly shall provide by law for
9 a statewide system of public higher education
10 sufficient for the intellectual, cultural, and
11 occupational development of the people of the
12 State. This system shall include the Univer-
13 sity of Maryland, the State Colleges, Public
14 Community Colleges, and such other institutions
15 of higher education as the Legislature may deem
16 necessary:

17

18 Public institutions of higher education hav-
19 ing authority to grant baccalaureate or higher
20 degrees shall be governed by boards of control
21 established by statute and have the power of
22 internal management over the institutions under
23 their control and the direction of all expendi-
24 tures from their institutions' funds. The
25 public community colleges, by whatever name
26 they may hereafter be known, shall be controlled
27 by local boards created for this sole purpose
28 and be under the general supervision of a State
29 board whose sole responsibility is to provide
30 supervision, leadership, and assistance to these

1 colleges.

2

3 The State system of public higher education
4 shall be coordinated by the State Advisory
5 Council for Higher Education, by whatever name it
6 may hereafter be known, which shall be the agency
7 vested with the responsibility and authority for
8 coordinating the overall growth and development of
9 higher education in Maryland.

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Constitutional Convention

DELEGATE PROPOSAL NO. 342

BY DELEGATE GALLAGHER

October 11 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch
By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 3.02 of Article III
2 of the new Constitution, dealing with the
3 Legislative Branch, provide for legislative
4 districts that are "substantially equal" rather
5 than "nearly equal as practicable," to read
6 as follows:

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10 Each district shall consist of compact and
11 adjoining territory, and the ratio of the number
12 of legislators in each district to the population
13 of such district shall be substantially equal.

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J. Edgar Hoover
Director of FBI
Washington, D. C.

MEMORANDUM TO ACCOMPANY PROPOSAL NO. 342

By Delegate Francis X. Gallagher

In regard to the degree of arithmetic equality in reapportioned legislative districts, the United States Supreme Court so far has not articulated any standard more precise than "substantial equality". There is merit in using this phrase in a state constitution. It will keep the State constitution in harmony with whatever degree of mathematical rigidity the United States Supreme Court adopts in the future. Use of this phrase also leaves open the possibility that an occasional district, more deviant than a ten per cent or a fifteen per cent standard, might be especially justified in special circumstances.

The Commission Draft uses the language "as nearly equal as practicable." This language might be construed instead to mean "as equal as possible." Any language that might be construed as requiring districts to be "as nearly equal as possible" should be avoided. The reason is that perfect arithmetic equality is possible - - all the way down to percentage deviations of less than one per cent. Under such a standard many reasonable and "substantially equal" plans could be challenged and upset merely by showing that a further "tinker" could reduce the arithmetic deviation by an additional percentage point or two. Such nit-picking invalidations of carefully devised plans have occurred in a few states in the last year or two, where lower courts have used "as nearly equal as possible" arithmetic standard.

To avoid this possibility, this proposal suggests that the phrase "substantial equality" be substituted for "as nearly equal as practicable" in the new Constitution.

Memorandum prepared from testimony
by Dr. Robert G. Dixon, Jr.,
Professor of Law, George Washington
University.

Constitutional Convention

DELEGATE PROPOSAL NO. 343

BY DELEGATE GALLAGHER

October 11, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 3.03 of Article III
2 of the new Constitution, dealing with the Legis-
3 lative Branch, provide for a bi-partisan re-
4 apportionment commission, to read as follows:

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7 Within three months after official
8 publication of the population figures of
9 each decennial census of the United States,
10 plans of congressional districting and
11 legislative districting and apportionment shall
12 be established by a redistricting commission of
13 five members, to be appointed as follows: One
14 each by the President of the Senate, the Speaker
15 of the House of Delegates, the Minority Leader
16 of the Senate, the Minority Leader of the House
17 of Delegates, and the chairman by the Supreme
18 Court. Any vacancy on the commission shall be
19 filled by the appointing authority. Commission
20 plans will be adopted by not less than a majority
21 of its members.

22
23 The districting and apportionment plans
24 of the commission shall have the force and
25 effect of law. Upon petition by any qualified
26 voter, the Supreme Court shall have original
27 jurisdiction to review the congressional dis-
28 tricting and legislative districting and appor-
29 tionment of the State and grant appropriate relief
30 if it finds that any of them does not fulfill

1 constitutional requirements.

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Constitutional Convention

DELEGATE PROPOSAL NO. 344

BY DELEGATE GALLAGHER

October 11, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 3.03 of Article III
2 of the new Constitution, dealing with the Legis-
3 lative Branch, provide for legislative origi-
4 nation of re-apportionment plans, to read as
5 follows:

6
7 After official publication of the popu-
8 lation figures of each decennial census of
9 the United States, the General Assembly shall adopt
10 plans of congressional districting and legislative
11 districting and apportionment. Such plans shall
12 not be subject to veto by the governor. If no plan
13 has been enacted for any one or more of these pur-
14 poses within four months prior to the final date
15 for the filing of candidates for the next general
16 election occurring after publication of such
17 census figures, the Supreme Court shall adopt plans
18 of congressional districting and legislative
19 districting and apportionment that shall have the
20 force and effect of law. Upon petition of any
21 qualified voter, the Supreme Court shall have
22 original jurisdiction to review the congressional
23 districting and legislative districting and
24 apportionment of the State and grant appropriate
25 relief, if it finds that any of them does not
26 fulfill constitutional requirements.

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Constitutional Convention

DELEGATE PROPOSAL NO. 345

BY DELEGATE WEIDENEYER

October 11, 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Bill of Rights of the
2 Constitution contain a provision concerning
3 the separation of powers exercisable by the
4 government that would read as follows:
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8 That the Legislative, Executive, and Judicial
9 powers of Government shall be forever separate
10 and distinct from each other; and no person
11 exercising the functions of one of said Depart-
12 ments shall assume or discharge the duties of
13 any other Department, but in enacting laws
14 providing for the establishment, maintenance
15 or conduct of administrative agencies, boards,
16 and commissions, which agencies, within them-
17 selves, exercise both the functions of law
18 enforcement and judicial or quasi-judicial
19 determinations, the legislature shall provide
20 for due process and judicial review.
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Constitutional Convention

DELEGATE PROPOSAL NO. 346

BY DELEGATE ~~DINTICE~~ MILLER

October 11 , 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that candidates for the General
2 Asserby shall make a full disclosure of their
3 business and professional interests and associa-
4 tions.

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8 Every candidate for the General Assembly
9 shall upon filing for office make full disclosure
10 of his financial, business and professional
11 interests and associations according to law, and
12 in the event of his election neither he nor any
13 agency or partnership in which he is involved shall
14 represent a client for a fee before any state
15 agency, except the courts.

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Constitutional Convention

DELEGATE PROPOSAL NO. 347

BY DELEGATE BEATRICE MILLER

October 11, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk

TITLE

1 A PROPOSAL that Section 3.05 of Article III
2 of the Constitution, dealing with the Legislative
3 Branch, shall read as follows:

4
5 Section 3.05. Qualifications of Legislators.

6 To be eligible as a senator or delegate, a
7 person shall be a qualified voter of the State of
8 Maryland at the time of his election or appointment,
9 and shall have been a resident of the State for at
10 least two years immediately preceding his election
11 or appointment. Nor shall he or any agency or
12 partnership in which he is involved represent a
13 client for a fee before any state agency except-
14 ing the courts during his term of office. To be
15 eligible as a senator, a person shall have attained
16 the age of twenty-five years, and, to be eligible as
17 a delegate, he shall have attained the age of twenty-
18 one years, at the time of his election or appoint-
19 ment.

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Constitutional Convention

DELEGATE PROPOSAL NO. 348

BY DELEGATE BEATRICE MILLER

October 11, 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 2.09 of Article II of
2 the Constitution, dealing with Suffrage and
3 Elections, shall read as follows:

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6

Section 2.09. Referendum Petition

7

8

9 A petition shall be sufficient to refer a
10 law, or any part thereof, to a vote of the people
11 if signed by a number of qualified voters equal
12 to ten per cent of the total number of votes cast
13 for governor in the most recent gubernatorial
14 election, provided that not more than one-fourth
15 of such required number shall be voters residing
16 in any one county.

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Constitutional Convention

DELEGATE PROPOSAL NO. 349

BY DELEGATES BOTHE, BURGESS, DUKES AND
BAMBERGER

October 11, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Declaration of Rights
2 provide for the release upon surety of an
3 accused awaiting trial, and matters generally
4 relating thereto, to read as follows:

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9 An accused shall be entitled to release
10 pending trial conditioned only upon such surety
11 as is reasonably necessary to secure his appear-
12 ance before the court. No person shall be imprisoned
13 solely because of indigence, and no bail shall be set
14 for a punitive purpose.

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MEMORANDUM ACCOMPANYING PROPOSAL NO. 349

BY DELEGATES BOTHE, BURGESS, DUKES, AND BAMBERGER

Many traditional Constitutional safeguards--i.e. the right to counsel, to jury trial--assure that no man should be punished unless and until the State overcomes the presumption that he is innocent, by proving him guilty after a fair trial in the courts.

This fundamental injunction is difficult to reconcile with the fact that practically every person accused of crime--whether guilty or innocent--is severely penalized as a result of the accusation. Because he is charged, an accused under most circumstances in this State is immediately "fined" the cost of posting a bail bond or, if he is without funds to buy a bond is automatically "sentenced" to an indeterminate term of from hours to months of waiting in the local jail for his case to be tried. (In Baltimore City approximately 70% of persons charged with crime more serious than traffic offense are incarcerated pending trial)

It goes without saying that the poor and friendless are, by reason of their poverty, more harshly penalized by this practice than are the influential and affluent. Under the "equal protection" and other provisions of the Federal Bill of Rights, the Supreme Court has required that the States assure equality before the law regardless of wealth by requiring the States to provide such things as appointed counsel and free copies of transcripts to indigent defendants, saying that "in criminal trials the States may no more discriminate on account of poverty than on account of race, creed or color." *Griffin v. Illinois*, 351 U.S. 12. Yet, the greater inequity of arbitrarily depriving the defendant before trial of the very freedom at stake at the trial, has not been constitutionally protected. The deprivation is all the more egregious when regarded in the light of convincing studies showing that pre-trial incarceration adversely affects a fair trial--all other things being equal, the person who waits in jail is more likely to be convicted, and to receive a heavier sentence than his more fortunate counterpart.

The problem is not alleviated through the provisions of the present Maryland Constitution (Article 25), the proposed draft (§1:11) or the Federal Constitution (Eighth Amendment) all proscribing "excessive" bail. For the courts have held that this provision leaves the courts with broad discretion to set bail and does not grant any practical right to pre-trial release.

A number of State constitutions (those of North Carolina and Pennsylvania pre-date the Federal Bill of Rights) do accord a constitutional right to bail using such language as that:

"All persons shall be bailable unless for capital offenses where the proof shall be evident or the presumption great."

Again, however, these provisions have not been construed so as to take account of the ability of the defendant to provide security.

A right to bail was recognized as early as 1275 by the statute of Westminster I, and in 1641 the Massachusetts Body of Liberty decreed "that no man's person shall be restrained or imprisoned for any Authority what so ever, before the law hath sentenced him thereto."

The intent of this proposal is:

1. To imbed in the Maryland Constitution the principal that an accused is entitled to pre-trial release, and may only be incarcerated where this measure is the only reasonable means of assuring his presence at trial (i.e. in capital cases where the incentive to flee is evident).
2. To constitutionally forbid the use of the bail system as a means of punishment.

The practical effect is contemplated to be that:

1. The Legislature and the Courts would be required to provide and operate a system for the determination of the appropriate security in each case and the supervision of persons released on condition. On the basis of experience in Baltimore's "VISTA" program, New York's "VERA" project and the Federal Act, as well as other studies and programs, it is expected that the large majority of defendants could be successfully released without posting bond or other material security, but could be trusted on their personal commitment or recognizance to appear in court.
2. The practice of securing appearance through professional bondsmen would lapse into virtual disuse, although it could be utilized in an exceptional case where circumstances warrant.

Constitutional Convention

DELEGATE PROPOSAL NO. 350

BY DELEGATE (S) MARION, SCHLOEDER, SINGER,
SOLLINS, FOX

October 11, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the members of the General
2 Assembly shall receive an annual salary and
3 such allowances as may be prescribed by law,
4 but such annual salary shall not be less than
5 one-third nor more than one-half of the annual
6 salary of the Governor.

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Department of Biology
University of Maryland
College Park, Md.

Dr. J. H. R. Taylor

Department of Biology

University of Maryland

College Park, Md.

Dear Dr. Taylor:

I have received your letter of the 10th inst.

and am sorry that I cannot reply to you

more quickly.

I am sure that you will find the

enclosed material of interest.

I am, very respectfully,

Yours very truly,

W. H. R. Taylor

Dr. J. H. R. Taylor

Department of Biology

University of Maryland

College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 351

BY DELEGATES BEATRICE MILLER AND SOLLINS

October 11, 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution shall not
2 prohibit the General Assembly from amending
3 the budget bill submitted by the governor in
4 any manner.

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Journal of the American Medical Association

PUBLISHED WEEKLY

VOLUME 100, NUMBER 10, MAY 1958

Published by the American Medical Association, 535 North Dearborn Street, Chicago 10, Ill.

Subscription price, \$5.00 per year in advance.

Single copies, 15¢. Payment in advance. Please allow four to six weeks for delivery of new subscriptions.

Second-class postage paid at Chicago, Ill., and at additional mailing offices. Postmaster: Please send address changes in advance.

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Accepted for mailing at special rate of postage provided for in Section 1103, Act of October 3, 1917.

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DELEGATE PROPOSAL NO. 352

BY DELEGATE HANSON

October 11, 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

A PROPOSAL to include in the Constitution a provision in the Article on Local Government, establishing a Commission on Intergovernmental Relations, such provision to read as follows:

Section 1. Commission on Intergovernmental Relations.

The governor shall appoint, with the advice and consent of the Senate, a Commission on Intergovernmental Relations. The Commission shall consist of five members. The members of the Commission shall serve five years, the term of one member expiring each year. The governor shall designate the chairman. The General Assembly shall have the power to establish qualifications for the members of the Commission and to assign additional duties to it or increase its jurisdiction.

Section 2. Powers and Duties.

The Commission on Intergovernmental Relations shall have jurisdiction to:

(a) Determine the location of local governmental boundaries in cases in which two or more local governments or authorities are in conflict.

(b) Establish classification of counties, municipalities, authorities and other local governmental jurisdictions, which shall have

1 the effect of law unless rejected by the next
2 ensuing session of the General Assembly.

3
4 (c) Recommend to the proper local or
5 state officials such actions as in its opinion
6 may be appropriate to meet intergovernmental
7 problems in regard to the establishment, incor-
8 poration, change, merger, dissolution or alter-
9 ation of the boundaries or powers of any regional
10 government, local governments or authority or
11 class of local governments. Legislative recom-
12 mendations of the Commission shall take effect
13 unless rejected by the next ensuing session of
14 the General Assembly.

15 (d) Recommend to the proper state and
16 local officials such action as may be appro-
17 priate to facilitate meeting problems of our
18 interstate and federal-state character.

19
20 (e) Provide state agencies and regional
21 and local governments and authorities with
22 advice and technical assistance in matters of
23 intergovernmental relations.

24 (f) Report to the appropriate state,
25 regional or local officials on the adequacy of
26 performance of any functions or instrumentalities
27 in intergovernmental relations.

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29 (g) Promulgate rules and regulations
30 necessary to carry out the duties imposed by
31 this Article or by law.

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COMMISSION ON INTERGOVERNMENTAL RELATIONS

STATEMENT TO ACCOMPANY DELEGATE PROPOSAL NO. 352

(By Delegate Hanson)

This proposal is an alternate statement of the same idea embodied in a companion proposal. The idea is (1) to provide a regular constitutional method of resolving differences between units of local government, and (2) to provide a means of fashioning an adequate state response to the growing number of problems which no single government can solve.

The proposed Commission could handle, at the State level, the conflict between municipalities and counties which is a feared result from the Commission draft. With the Commission, County power over municipal boundaries and incorporations is unnecessary.

Ultimate power is retained by the legislature in the creation of new units, classification of local units, establishment of new governments' boundaries. Yet, the Commission offers the General Assembly a basis of knowledge and experience on which to make judgments in the interest of the whole state.

The basic deficiency of the draft constitution is not in making the County the primary unit of local government, or in giving it general powers, but in leaving entirely to the County the creative and boundary powers. In general this approach is sound, but in some cases, the public interest may be served by allowing a municipal incorporation opposed by the County. What is needed is a regular, established constitutional channel for local government formations and alterations.

The Intergovernmental Relations Commission proposal also looks beyond the problems assayed in the draft constitution by providing an open-ended approach to future problems such as those which will arise among regional governments, and in the entire field of state-local and inter-state relations.

The governmental system is neatly layered only in the minds of those who cannot see the political realities of decision-making. This proposal is designed to assist in achieving the blend of local, regional, special, state, interstate and intergovernmental powers and actions which will be required if Maryland is to meet the governmental problems of growth and change.

Royce Hanson



Constitutional Convention

DELEGATE PROPOSAL NO. 353

BY DELEGATE HARRIS

October 11, 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that there shall be an Attorney
2 for the State in each county, and the City
3 of Baltimore, to be styled "The State's
4 Attorney", who shall be elected by the
5 voters on a nonpartisan basis for a term
6 of (6) six years.

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1 Appellate Courts Nominating Commission

2 Nominations to fill a vacancy on the Appellate
3 Courts shall be made by the Appellate Courts Nominat-
4 ing Commission. The commission shall be composed
5 of six lay persons and six lawyers. The terms of
6 the members shall be four years.

7
8 Lawyer Members of Appellate Nominating
9 Commission

10
11 Lawyer members of the Appellate Courts
12 Nominating Commission shall be elected by lawyers
13 throughout the State.

14
15 Lay Members of Appellate Nominating
16 Commission

17
18 Lay members of the Appellate Courts
19 Nominating Commission shall be appointed by the
20 Governor from the qualified voters of the State.

21
22
23 Term of Office of Appellate Judges

24
25 At the next general state wide election
26 following the expiration of one year from the
27 date of appointment, and every twelve (12) years
28 thereafter so long as he retains his office, each
29 justice of the Supreme Court and each judge of the
30 Appellate Court shall be subject to approval or
31 rejection by the electorate of the entire State.

32
33 Nominations and Appointments for
34 Trial Courts

35
36 A vacancy in the office of judge for the
37 Superior or for the District Court shall be filled
38 by the Governor who shall consider nominations
39 proposed by lawyers practicing in the county or
40 district where the vacancy exist.

41
42 Term of Office of Trial Court Judges

43
44 At the next gubernatorial general election
45 following the date of appointment, each judge of
46 the Superior Court and District Court shall be
47 subject to election by the electorate of the
48 respective county or district where the office
49 exists. If an appointed judge is elected, his
50 term shall be for sixteen (16) years, subject,

1 however, to the subsequent approval or rejection
2 of the electorate every eight (8) years there-
3 after. In the event an appointed judge is not
4 elected, his successor or any other successful
5 candidate who runs for the office other than a
6 presiding judge shall serve until the next bi-
7 ennial election. Having served such term, the
8 successor may run for re-election to serve a
9 sixteen (16) year term, subject to the subse-
10 quent approval or rejection of the electorate
11 every eight (8) years thereafter. If a judge is
12 unable to complete his term or is not approved
13 by his electorate, a vacancy in the office shall
14 exist.

15
16 All elections for judges shall be non-
17 partisan; and all presiding judges running for
18 election or re-election shall be designated on the
19 voting machines as "incumbents".

20
21 Administrative Functions of
22 Chief Justice

23
24 The chief justice of the Supreme Court shall
25 be the administrative head of the judicial system.
26 The chief justice shall have the power to assign
27 any judge to sit temporarily in any court on the
28 same level.

29
30 Clerks of Court

31
32 The chief justice of the Supreme Court and
33 chief judge of the Appellate Court shall each
34 appoint a chief clerk of his court who shall serve
35 at the pleasure of the appointing judge. There
36 shall be a clerk of the Superior Court in each
37 county and of the District Court in each district.
38 Their selection and terms shall be governed by
39 law.

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Chapman & Co. Bookbinders
Cincinnati, Ohio

Constitutional Convention

DELEGATE PROPOSAL NO. 355

BY DELEGATES SYBEPT, ARMOR, CARSON, CICONE, FORNOS,
HARRIS, PULLEN, ROBB, K., ROLLINS, STERN, VECERA, WILLIS, WHEATLEY

October 11, 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution shall provide
2 for a Comptroller of the Treasury, eligibility
3 qualifications for election and matters generally
4 relating thereto, to read as follows:

5
6
7 The Constitution shall provide for a Comp-
8 troller of the Treasury, who shall be elected and
9 who shall have general superintendence of the
10 fiscal affairs of the State and who shall perform
11 such other duties as may be prescribed by law.

12
13 To be eligible for election as Comptroller
14 of the Treasury, a person shall have attained the
15 age of thirty years at the time of his election
16 and shall have been a qualified voter in the State
17 for the five years immediately preceding his
18 election.

19
20 His term of office shall be concurrent with
21 that of the Governor and he shall take office on
22 the same day as the Governor and serve for a term
23 of four years, and until his successor is quali-
24 fied.

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Manuscript of
William Shakespeare's
Othello

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Proposal No. 355

By: Delegate Sybert

The Comptroller of the Treasury, as a constitutional officer, would not only have general superintendence of the fiscal affairs of the State but would also have the duties prescribed by law. Present law provides that:

He shall be a "watch dog" over every expenditure of funds by the State departments.

He shall be a member of the Board of Public Works.

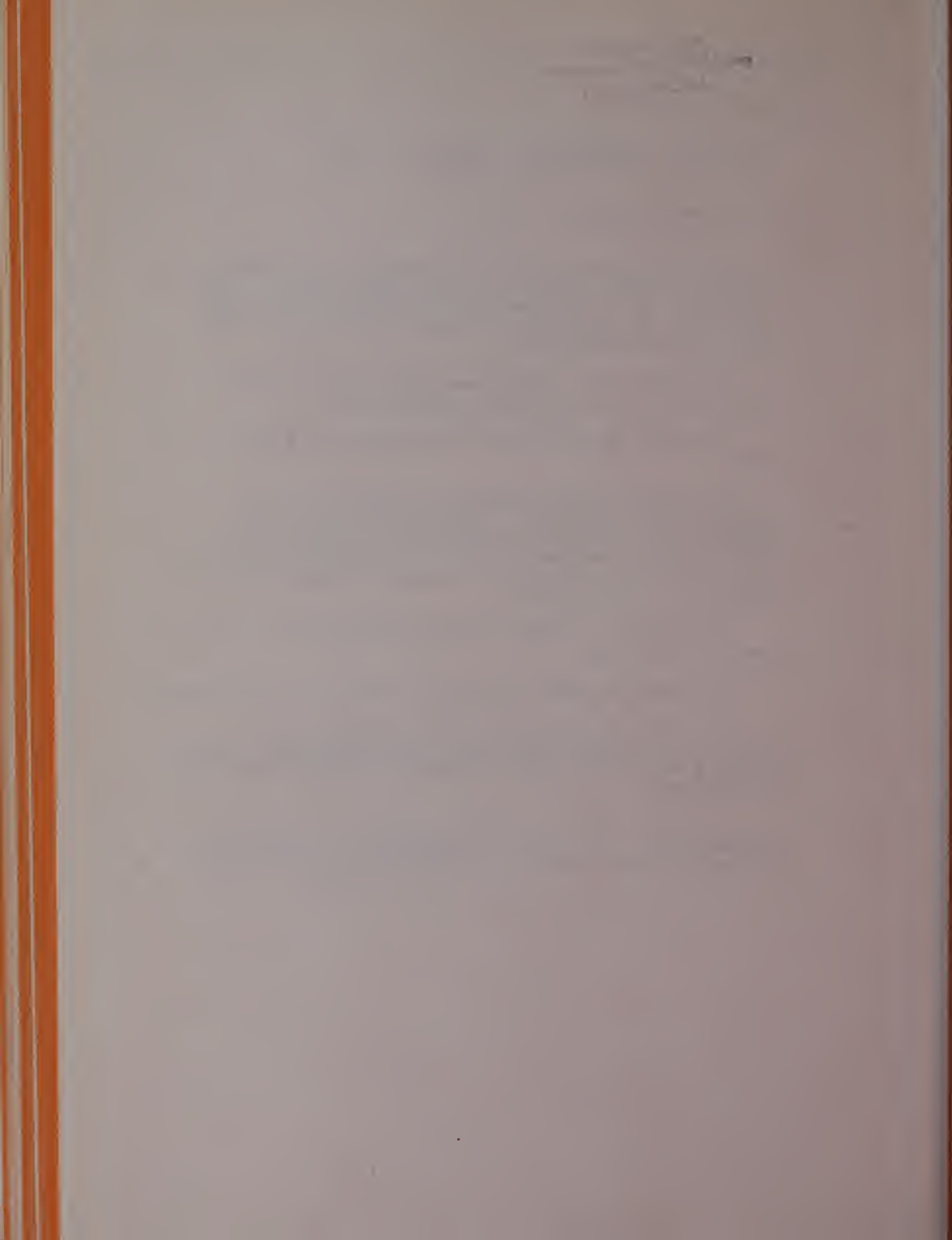
He shall be responsible for providing and accounting for all State funds received and disbursed, for preparing and reporting economic forecasts, revenue estimates, financial information, and such other statistical data as may be required by statute or fiscal policy.

He shall be responsible for administering tax laws of the State.

He shall be responsible for the State license laws.

He shall be responsible for preparing and issuing all salary checks for State employees, except those of the State Roads Commission and the University of Maryland.

He shall be an ex-officio member of the State Banking Board, the Board of Regents of the University of Maryland, and the three State Retirement Systems.



Constitutional Convention

DELEGATE PROPOSAL NO. 356

BY DELEGATE S SHERBOW AND CASE AT THE REQUEST
OF THE COMMITTEE ON STATE FINANCE AND TAXATION

October 12, 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the State shall value property
2 according to a uniform method or methods for
3 purposes of determining property tax assessments
4 and the share of governmental units in any dis-
5 tribution of funds based in whole or in part on
6 such assessments.

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Constitutional Convention

DELEGATE PROPOSAL NO. 357

BY DELEGATES CALDWELL, BLAIR, KFY AND RITTER

October 12, 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 2.04 of Article II,
2 dealing with disqualifications for voting read
3 as follows:

4
5 Section 2.04. Disqualification.

6
7 The General Assembly shall by law estab-
8 lish disqualifications for voting by reason of
9 mental incompetence or conviction of serious
10 crime, and may provide for the removal of such
11 disqualifications. That any citizen who is dis-
12 qualified from voting after the conviction of a
13 serious crime shall have his voting privilege
14 established or reestablished five years after
15 the expiration of any sentence imposed as a re-
16 sult of said conviction whether the term is
17 served in an institution or suspended.

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Constitutional Convention

DELEGATE PROPOSAL NO. 350

BY DELEGATE S CARSON, JAMES, PETERS, MOLLINS,
SYBERT, WILLIS

October 12 , 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM Chief Clerk

TITLE

1 A PROPOSAL that there be a section in the
2 Article entitled "General Provisions" deal-
3 ing with retention of existing law, to read
4 as follows:

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6

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ARTICLE VIII. GENERAL PROVISIONS.

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Section 8.--. Retention of Existing
Law.

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Until changed in accordance with the
provisions of this Constitution, all law
in effect in this State immediately prior to
the adoption of this Constitution, regardless
of the source thereof, shall remain in effect
unless inconsistent with the provisions of
this Constitution.

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Constitutional Convention

DELEGATE PROPOSAL NO. 359

BY DELEGATES CARSON, JAMES, PETERS, ROLLINS,
SYBERT, WILLIS

October 12 , 1967.

Introduced, read the first time and referred to the Committee on

Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article VII of the Constitution,
2 to be entitled "Local Government," shall read
3 as follows:

4
5 ARTICLE VII. LOCAL GOVERNMENT

6
7
8 Counties

9
10 Section 7.01. Definition.

11 For the purposes of this Constitution,
12 Baltimore City and all of the twenty-three
13 counties existing prior to the adoption hereof
14 shall be considered as counties.
15

16
17 Section 7.02. Establishment and Alter-
18 ation of Counties.

19
20 The General Assembly may provide by law
21 for the establishment, merger, dissolution,
22 and alteration of boundaries of counties. How-
23 ever, any such law must be passed by the affirm-
24 ative vote of at least three-fifths of all the
25 members of each house and shall not become
26 effective until submitted to the voters of each
27 county affected and approved by a majority of
28 those voting on the question in each such county.
29
30

1 Section 7.03. Continuance of Existing
2 County Governments.
3

4 County governments existing at the
5 adoption of this Constitution shall continue
6 unless changed pursuant to this Constitution.
7

8 Section 7.04. Instrument of Government.
9

10 Each county shall adopt a written instru-
11 ment of government which establishes the
12 structure of its government. Within one year
13 following the adoption of this Constitution,
14 the General Assembly shall provide by law
15 procedures by which an instrument of govern-
16 ment of a county may be proposed to the voters
17 thereof, and any instrument of government so
18 proposed shall be adopted upon the affirmative
19 vote of a majority of those voting thereon.
20 The General Assembly, moreover, shall provide
21 by law an instrument of government which shall
22 become effective on the first day of July
23 after the expiration of four years following
24 the adoption of this Constitution for any
25 counties which have not previously adopted
26 an instrument of government as provided in
27 this section or adopted a charter prior to
28 the adoption of this Constitution. The
29 charter adopted by any county (including
30 Baltimore City) prior to the adoption of this
31 Constitution shall be, without further act,
32 the instrument of government for that county.
33

34 Section 7.05. Amendment of Instrument
35 of Government.
36

37 An instrument of government of a county
38 may be amended by the affirmative vote of a
39 majority of the voters of the county voting
40 on a proposal for such amendment submitted by
41 the governing body of the county or submitted
42 in accordance with such other provisions for
43 amendment as may be contained in the instru-
44 ment of government or submitted by such further
45 means as the General Assembly may provide by
46 law.
47

48 Section 7.06. Powers of Counties.
49

50 The General Assembly shall, by an express

1 powers act, delegate uniform powers not
2 inconsistent with the provisions of this
3 Constitution to the counties or to each class
4 of counties. When an instrument of government
5 has been adopted by a county or has been pro-
6 vided for a county by the General Assembly,
7 that county shall thereafter have authority
8 to enact laws upon all matters covered by
9 the express powers delegated by the General
10 Assembly, including the power to amend or
11 repeal all laws previously enacted by the
12 General Assembly or that county upon these matters,
13 except such laws as are applicable in their
14 terms and effects to all counties. The General
15 Assembly shall not enact any laws upon any
16 matters covered by such express powers except
17 laws which apply in their terms and effects to
18 all counties or to all counties in a class,
19 and such laws may not be amended or repealed
20 by any county.

21
22 Section 7.07. Classification of Counties.

23
24 Classes of counties, based upon population
25 as determined by the most recent United States
26 Census or upon other criteria, may be established
27 by the General Assembly, with not less than two
28 counties in any one class. No more than one
29 classification shall be in effect at any one
30 time but the classification may be changed at
31 any time.

32
33 Municipal Corporations

34
35 Section 7.08. Definition.

36
37 For the purposes of this Constitution, a
38 "municipal corporation" shall mean any incor-
39 porated city, town, or village but shall not
40 include Baltimore City or any county.

41
42 Section 7.09. Establishment and Alteration
43 of Municipal Corporations.

44
45 The General Assembly shall provide by
46 law for the incorporation, merger, dissolution,
47 and alteration of boundaries of municipal
48 corporations, or for procedures of accomplish-
49 ing these. However, in no event shall any
50 municipal corporation existing at the adoption

1 of this Constitution be dissolved or have
2 its boundaries diminished until such action
3 is approved by a majority of the voters of
4 the municipal corporation voting thereon.
5

6 Section 7.10. Continuance of Existing
7 Municipal Corporation
8 Governments.
9

10 Municipal corporation governments
11 existing at the adoption of this Constitution
12 shall continue unless changed pursuant to
13 this Constitution.
14

15 Section 7.11. Charter.
16

17 Each municipal corporation shall adopt
18 a charter which, within the limits and by
19 the procedures provided by the General
20 Assembly by law, establishes the structure
21 of its government.
22

23 Section 7.12. Amendment of Charter.
24

25 A charter of a municipal corporation may
26 be amended by the affirmative vote of a majority
27 of the voters of the municipal corporation
28 voting on a proposal for such amendment sub-
29 mitted by the governing body of the municipal
30 corporation or submitted in accordance with
31 such other provisions for amendment as may be
32 contained in the charter or submitted by such
33 further means as the General Assembly may
34 provide by law.
35

36 Section 7.13. Powers of Municipal
37 Corporations.
38

39 The General Assembly shall, by an express
40 powers act, grant uniform powers not incon-
41 sistent with the provisions of this Consti-
42 tution to the municipal corporations or to
43 each class of municipal corporations. The
44 municipal corporations shall have authority
45 to enact laws upon all matters covered by the
46 express powers granted by the General Assembly,
47 including the power to amend or repeal all laws
48 previously enacted by the General Assembly or
49 the municipal corporations upon these matters,
50 except such laws as are applicable in their

1 terms and effects to all municipal corporations.
2 The General Assembly shall not enact any laws
3 upon any matters covered by such express
4 powers except laws which apply in their terms
5 and effects to all municipal corporations or
6 to all municipal corporations in a class, and
7 such laws may not be amended or repealed by
8 any municipal corporation.

9
10 Section 7.14. Classification of Municipal
11 Corporations.

12
13 Classes of municipal corporations, based
14 upon population as determined by the most
15 recent United States Census or upon other
16 criteria, may be established by the General
17 Assembly, with not more than four classes
18 being created. No more than one classification
19 shall be in effect at any one time but the
20 classification may be changed at any time.

21
22 Regional Governments and

23
24 Intergovernmental Authorities

25
26 Section 7.15. Establishment by the
27 General Assembly.

28
29 Notwithstanding any other provisions of
30 this Article, the General Assembly may provide
31 by law for the establishment and powers of
32 popularly elected representative regional
33 governments and of intergovernmental authorities.
34 The boundaries of a regional government must
35 be contiguous, and any law providing for the
36 establishment and powers of any such govern-
37 ment or any amendment thereof shall not
38 become effective until it is submitted to
39 the voters of each county any part of which
40 lies within those boundaries and is approved
41 by a majority of those voting on the question
42 in each such county.

43
44 Section 7.16. Financing of Inter-
45 governmental Authorities.

46
47 The General Assembly may by law grant to
48 intergovernmental authorities the power to
49 impose and collect service charges, to borrow
50 money, and to collect taxes imposed by the

1 General Assembly or by a popularly elected
2 representative government, but not the power
3 to impose taxes.
4

5 Cooperative Agreements
6

7 Section 7.17. Intrastate Intergovernmental
8 Agreements.
9

10 Any local governmental unit may, subject
11 to law, agree with the State or with any
12 other local governmental unit for the joint
13 administration of any functions and powers
14 and the sharing of the costs thereof.
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Constitutional Convention

DELEGATE PROPOSAL NO. 360

BY DELEGATE S CASE, JAMES, ROLLINS, and WILLIS

October 12, 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 6.08 of Article VI
2 of the Constitution dealing with enactment
3 of budget bill read as follows:
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8 The budget bill shall become law when
9 passed by both houses of the General Asserblv
10 and shall not be subject to veto by the
11 governor. If the budget bill shall not have
12 been finally acted upon by the General
13 Assembly ten days before the expiration of
14 its regular session, the governor shall issue
15 a proclamation extending the session until
16 the passage of the budget bill and ten days
17 thereafter. After such proclamation, no
18 other legislation, except provision for the
19 cost of the extended session, can be finally
20 passed by the General Assembly until the
21 budget bill has been enacted.
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Constitutional Convention

DELEGATE PROPOSAL NO. 361

BY DELEGATE LLOYD TAYLOR

October 12, 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide for
2 the restoration of the right to vote one year
3 after having served sentence for conviction of
4 a crime which results in disenfranchisement, to
5 read as follows:

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10 Any person disenfranchised of the right to
11 vote following the conviction of a crime, which
12 carries as a consequence the loss of the right to
13 vote, shall be restored said right one (1) year
14 from the date that said person shall have served
15 and completed the sentence for such conviction.

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Constitutional Convention

DELEGATE PROPOSAL NO. 362

BY DELEGATE ANDERSON

October 12, 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the new Constitution include
2 the provisions of Article XVI, Sections 1-6
3 inclusive of the present Constitution dealing
4 with referendum, which reads as follows:
5
6

7 Section 1. (a) The people reserve to
8 themselves power known as The Referendum, by
9 petition to have submittted to the registered
10 voters of the State, to approve or reject at the
11 polls, any Act, or part of any Act of the General
12 Assembly, if approved by the Governor, or, if
13 passed by the General Assembly over the veto of
14 the Governor;
15

16 (b) The provisions of this
17 Article shall be self-executing; provided that
18 additional legislation in furtherance thereof and
19 not in conflict therewith may be enacted.
20

21 Section 2. No law enacted by the General
22 Assembly shall take effect until the first day of
23 June next after the session at which it may be
24 passed, unless it contain a Section declaring such
25 law an emergency law and necessary for the immediate
26 preservation of the public health or safety, and
27 passed upon a yea and nay vote supported by three-
28 fifths of all the members elected to each of the two
29 Houses of the General Assembly; provided, however,
30 that said period of suspension may be extended as

1 provided in Section 3 (b) hereof. If before said
2 first day of June there shall have been filed with
3 the Secretary of the State a petition to refer to
4 a vote of the people any law or part of a law
5 capable of referendum, as in this Article provided,
6 the same shall be referred by the Secretary of State
7 to such vote, and shall not become a law or take
8 effect until thirty days after its approval by a
9 majority of the electors voting thereon at the next
10 ensuing election held throughout the State for
11 Members of the House of Representatives of the United
12 States. An emergency law shall remain in force
13 notwithstanding such petition, but shall stand repealed
14 thirty days after having been rejected by a majority
15 of the qualified electors voting thereon; provided,
16 however, that no measure creating or abolishing any
17 office, or changing the salary, term or duty of any
18 officer, or granting any franchise or special privilege,
19 or creating any vested right or interest, shall be
20 enacted as an emergency law. No law making any appro-
21 priation for maintaining the State Government, or for
22 maintaining or aiding any public institution, not
23 exceeding the next previous appropriation for the same
24 purpose, shall be subject to rejection or repeal under
25 this Section. The increase in any such appropriation
26 for maintaining or aiding any public institution shall
27 only take effect as in the case of other laws, and such
28 increase or any part thereof specified in the petition,
29 may be referred to a vote of the people upon petition.

30
31 Section 3. (a) The referendum petition against
32 an Act or part of an Act passed by the General Assembly,
33 shall be sufficient if signed by three per centum of the
34 qualified voters of the State of Maryland, calculated
35 upon the whole number of votes cast therein for Governor
36 at the last preceding Gubernatorial election, of whom
37 not more than half shall be residents of Baltimore City,
38 or of any one County; provided that any Public Local
39 Law for any one County or the City of Baltimore, shall
40 be referred by the Secretary of State only to the
41 people of said County or City of Baltimore, upon a
42 referendum petition of ten per cent of the qualified
43 voters of said County or City of Baltimore, as the
44 case may be, calculated upon the whole number of votes
45 cast therein respectively for Governor at the last
46 preceding Gubernatorial election.

47
48 (b) If more than one-half, but less
49 than the full number of signatures required to complete
50 any referendum petition against any law passed by the

1 General Assembly, be filed with Secretary of State before
2 the first day of June, the time for the law to take effect,
3 and for filing the remainder of signatures to complete the
4 petition shall be extended to the thirtieth day of the
5 same month, with like effect.

6
7 Section 4. A petition may consist of several
8 papers, but each paper shall contain the full text of
9 the Act or part of Act petitioned upon; and there shall
10 be attached to each such paper an affidavit of the
11 person procuring the signatures thereon that of the
12 said person's own personal knowledge every signature
13 thereon is genuine and bona fide, and that the signers
14 are registered voters of the State of Maryland, and of
15 the City of Baltimore, or County, as the case may be,
16 as set opposite their names, and no other verification
17 shall be required.

18
19 Section 5. (a) The General Assembly shall
20 provide for furnishing the voters of the State the
21 text of all measures to be voted upon by the people;
22 provided, that until otherwise provided by law the
23 same shall be published in the manner prescribed by
24 Article XIV of the Constitution for the publication of
25 proposed Constitutional Amendments.

26
27 (b) All laws referred under the
28 provisions of this Article shall be submitted separately
29 on the ballots to the voters of the people, but if con-
30 taining more than two hundred words, the full text shall
31 not be printed on the official ballots, but the Secre-
32 tary of State shall prepare and submit a ballot title of
33 each such measure in such form as to prevent the purpose
34 of said measure concisely and intelligently. The ballot
35 title may be distinct from the legislative title, but
36 in any case the legislative title shall be sufficient.
37 Upon each of the ballots, following the ballot title or
38 text, as the case may be, of each such measure, there
39 shall be printed the words "For the referred law" and
40 "Against the referred law," as the case may be. The
41 votes cast for and against any such referred law shall
42 be returned to the Governor in the manner prescribed
43 with respect to proposed amendments to the Constitution
44 under Article XIV of this Constitution, and the Governor
45 shall proclaim the result of the election, and, if it
46 shall appear that the majority of the votes cast on any
47 such measure were cast in favor thereof, the Governor
48 shall by his proclamation declare the same having re-
49 ceived a majority of the votes to have been adopted by
50 the people of Maryland as a part of the laws of the

1 State, to take effect thirty days after such election,
2 and in like manner and with like effect the Governor
3 shall proclaim the result of the local election as to
4 any Public Local Law which shall have been submitted
5 to the voters of any County or of the City of Baltimore.

6
7 Section 6. No law or Constitutional Amendment,
8 licensing, regulating, prohibiting, or submitting to
9 local option, the manufacture or sale of malt or
10 spirituous liquors, shall be referred under the pro-
11 visions of this Article.

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Constitutional Convention

DELEGATE PROPOSAL NO. 361

BY DELEGATES HANSON AND SOLLINE

October 12, 1967.

Introduced, read the first time and referred to the Committee on General Provisions

By order, IRA J. WAGONIER, Chief Clerk.

TITLE

1 A PROPOSAL to provide among the General
2 Provisions of the Constitution a Commission
3 on Salaries for Constitutional officers to
4 read as follows:

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9 Section 1. Commission on Salaries for Consti-
10 tutional Officers.

11 There is hereby established a Commission
12 on Salaries for Constitutional Officers, com-
13 posed of ten (10) members appointed by the
14 Governor with the advice and consent of the
15 Senate. The members of this Commission shall
16 be appointed for five year terms, the terms of
17 two members expiring each year. The Commission
18 shall recommend, by January 30, 1969, and there-
19 after by January 30 of the third year following
20 each general election, a schedule of salaries
21 for members of the General Assembly, the Governor,
22 members of the Judiciary and other officers
23 created by this Constitution. If not rejected
24 by the General Assembly within 30 days, it shall
25 have the force of law at the first day period
26 following the next ensuing general election.

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Constitutional Convention

DELEGATE PROPOSAL NO. 364

BY DELEGATE WHEATLEY

October 12, 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide for
2 a defined and expanded relationship between the
3 General Assembly and the Governor in the
4 preparation of the state budget which shall
5 allow the General Assembly to obtain more
6 adequate information in this formative stage
7 prior to the Governor's budget message.

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Constitutional Convention

DELEGATE PROPOSAL NO. 265

BY DELEGATE GILCHPIST

October 13, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRVING J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 3.08, Article III,
2 dealing with compensation of legislators,
3 shall read as follows:

4
5 Section 3.08. Compensation of Legislators.

6 The members of the General Assembly shall
7 receive such salary and allowances as may be
8 prescribed by law, but such salary shall not
9 be less than Six Thousand Five hundred Dollars
10 per annum. The President of the Senate and
11 Speaker of the House shall each receive an
12 additional salary equal to one-half of the
13 base salary prescribed by law, and the General
14 Assembly may prescribe by law for the payment
15 of additional salaries to chairmen of committees
16 of each house. The compensation of members shall
17 not be altered during the term in which such
18 change shall be enacted.
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MEMORANDUM ACCOMPANYING DELEGATE PROPOSAL NO. 365

The Committee on the Legislative Branch has heard much testimony from present and former members of the legislature concerning rates of compensation and the amounts of time devoted to legislative duties. From this testimony, it is evident that the time devoted to legislative activities by the presiding officers of the two houses and by the chairman of major committees greatly exceeds the time spent by other members of the legislature.

These positions are such as to call for exceptional qualities of leadership and greater demands on time, both of which should be recognized by additional compensation in the same manner as it is in other fields of endeavor.

The witnesses have been in general agreement that legislators' salaries should not be changed during the term in which changes are made.

C. William Gilchrist

Maryland Mason,
University of Maryland System
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 366

BY DELEGATE FRIDERIC

October 13, 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide for
2 State financing of campaigns for State-wide offices
3 in general elections, and placing a limit on the
4 amount of such funds which may be expended, to
5 read as follows:

6

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10 No political party or candidate for State
11 office may expend funds in a general election
12 from sources other than those provided by the State
13 budget, such sum not to exceed the total combined
14 salaries of all such State elected officials.

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Proposal No. 366

By Delegate Frederick

The purpose of this proposal is to insure to all equality of opportunity in seeking elected office. It is a well known fact that in some instances an individual's success in seeking an office is closely tied to his ability to finance an adequate campaign. On many occasions well qualified individuals are denied the opportunity of serving the public because of the expense entailed in running for an elected office. It is the opinion of the sponsor that the talent and abilities of many potential public servants is being wasted in the sense that they are in effect denied the opportunity of running for office because of this inability to finance an adequate campaign. The State can no longer afford the luxury of passing over this source of capable individuals. It is also hoped that this type of measure will act as a check on ever spiraling election costs.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 367

BY DELEGATE S. CALLAGHAN AND GARY

October 13, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIMER, Chief Clerk.

TITLE

1 A PROPOSAL that Article III, Section 3.17,
2 dealing with the Journal and Passage of Bills,
3 shall read as follows:

4
5
6 Each house shall keep a current, daily
7 journal of its proceedings which shall be open
8 to public inspection at all times and shall be
9 published as soon as practicable. No bill shall
10 be enacted nor shall a resolution requiring the
11 action of both houses be adopted, unless it is
12 passed in each house by a majority of all the
13 members of that house present and voting. A vote
14 in joint session or by either house on any bill
15 or resolution shall be taken only in public
16 session. On final passage of a bill, including
17 a bill proposing constitutional amendment, or a
18 resolution, the vote cast by each member shall
19 be recorded in the journal of the house of which
20 he is a member.

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University of Maryland Library
College Park, Md.

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 367

By Delegates Gallagher and Lard

This proposal is to supercede Delegate Proposal No. 280, which inadvertently omitted the second sentence. For further clarification, see memorandum accompanying Delegate Proposal No. 281. Also note that the memorandum accompanying Delegate Proposal No. 280 should properly have been accompanying Delegate Proposal No. 281.

Marietta Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 368

BY DELEGATE GALLAGHER

October 13 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the effective date of Acts
2 of the General Assembly shall be July 1,
3 unless an Act shall designate a different
4 date and be passed by a three-fifths vote of
5 each house.
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Constitutional Convention

DELEGATE PROPOSAL NO. 369

BY DELEGATES BARRICK, GRANT, MACDONALD, MOSER,
ULRICH

October 16, 1967.

Introduced, read the first time and referred to the Committee on

Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL THAT Article VII of the Constitu-
2tion dealing with Local Government shall in-
3clude provisions concerning powers of counties,
4and general application of laws, to read as
5follows:

6
7 Section 7.07. Powers of Counties.

8
9 A county may exercise any power, other than
10judicial power, or perform any function which
11is not denied to it by this Constitution, by
12its charter or by a public general law which in
13its terms and in its effects is applicable to
14all counties.

15
16 Section 7.08. General Application of
17Laws.

18
19 Except as otherwise specifically provided
20in this Constitution, the General Assembly may
21not enact any public local laws and, except
22with respect to appropriations, may enact only
23public general laws which in their terms and
24in their effects apply without exception to
25all counties. But nothing in this or any other
26section of this Constitution shall limit the
27power of the General Assembly, notwithstanding
28the provisions of public general law, to permit

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1 any county to enact legislation in the exer-
2 cise of any power or the performance of any
3 function denied to any other county or
4 counties.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 369

By Delegate Moser

The last sentence of Section 7.08 of this proposal would permit the General Assembly to allow the county governing bodies of one or more counties to enact ordinances exercising a power or function which is denied other county governments. It could operate as a substitute for the classification system contained in Section 7.08 of Delegate Proposal 7 (the Commission Draft), or it could with slight revisions apply along with such a classification system. Another delegate proposal is being introduced to illustrate this.

This arrangement is one of several under consideration by the Local Government Committee to add a degree of flexibility to a prohibition against public local legislation as enacted by the General Assembly under the present Constitution. The proposal would not permit the General Assembly the right to exempt one or more counties from a general law without affirmative action by the county governing body. It should not permit the General Assembly to pass a local law which the county government could pass. Rather, the proposal would allow the county governing body itself to pass an ordinance in some particular area, and until the county does act, the general law would prevail.

This local option method would permit the General Assembly to recognize special problems and institutions existing in some counties but not in others. For example, it would permit the General Assembly to authorize Montgomery County to have an elective school board and Baltimore City to appoint its own school board, although providing that boards in other counties be appointed by the Governor. If Baltimore City wished to pass a rent escrow ordinance, the General Assembly could permit this, notwithstanding the statewide Landlord-Tenant law; of course, the General Assembly would do this only if it determined that the state as a whole did not need a rent escrow law at that time.

The present Constitution permits unlimited local exemptions, which this proposal would not do, because the county must affirmatively act in the permitted area before it is freed of the general law.

The present Constitution would allow the General Assembly to pass a law applicable to just two chartered counties. This proposal would prohibit such laws, but would allow the General Assembly to give each county the option to pass its own ordinance in the specified area.

Constitutional Convention

DELEGATE PROPOSAL NO. 370

BY DELEGATE CLAGETT

October 16, 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article VII of the Constitution,
2 dealing with Local Government, shall include
3 provisions concerning power of counties, classi-
4 fication of counties and general application of
5 laws, to read as follows:

Section 7.07. Power of Counties.

9 A county may exercise any power, other than
10 judicial power, or perform any function which is
11 not denied to it by this Constitution, by its
12 charter or by a public general law which in its
13 terms and in its effects is applicable to all
14 counties or to all counties of the county's
15 class, and which has not been transferred ex-
16 clusively to another governmental unit.

Section 7.08. Classification of Counties.

21 Classes of counties, based upon population as
22 determined by the most recent United States Census
23 or upon other criteria, may be prescribed by law
24 with not more than five classes and not less than
25 three counties in any one class. No more than one
26 classification shall be in effect at any one time
27 but the classification may be changed at any time.

Section 7.09. General Application
of Laws.

Except as otherwise specifically provided in this Constitution, the General Assembly may not enact any public local laws and, except with respect to appropriations, may enact only public general laws which in their terms and in their effects apply without exception to all counties or to all counties in a class. No county shall be exempt from any public general law applicable to counties in its class. But nothing in this or any other section of this Constitution shall limit the power of the General Assembly, notwithstanding the provisions of public general law, to permit any county to enact legislation resulting in the exercise of any power or the performance of any function denied to any other county or counties.

Constitutional Convention

DELEGATE PROPOSAL NO. 371

BY DELEGATES GALLAGHER, BARD, SICKLES and BOYCE

October 16, 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article IV of the new Consti-
2 tution dealing with the Executive Branch, shall
3 provide for a conditional veto, to read as
4 follows:

Conditional Veto

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9 The Governor may return a bill to the
10 General Assembly with recommendations for amend-
11 ment. Following reconsideration by the General
12 Assembly, the bill shall again be laid before
13 the Governor for veto consideration. The
14 Governor may return a bill for such recon-
15 sideration and amendment by the General Assembly
16 only once.

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Constitutional Convention

DELEGATE PROPOSAL NO. 372

BY DELEGATES CALDWELL and K. ROBIE

October 16 , 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSALthat Article VIII, Section 8.04
2 of the Constitution concerning higher educa-
3 tion read as follows:

4
5 8.04 HIGHER EDUCATION

6
7
8 There shall be the University of Maryland,
9 the state colleges and other institutions of
10 higher education which shall be managed and
11 governed by boards in accordance with law.
12 These governing boards shall be appointed by
13 the governor and shall have exclusive general
14 supervision over the internal management of
15 the institutions. The General Assembly shall
16 provide such other necessary state councils
17 or boards to insure cooperation and co-
18 ordination between the institutions of higher
19 learning.

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Constitutional Convention

DELEGATE PROPOSAL NO. 373

BY DELEGATE(S) M. H. Smith, J. H. Smith and
Henderson

October 16, 1967.

Introduced, read the first time and referred to the Committee on
The Judicial Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution contain a
2 transitory provision that the office of
3 Sheriff be continued as elective through 1974
4 and that the Sheriff hold office thereafter
5 and have such duties as provided by law.
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Constitutional Convention

DELEGATE PROPOSAL NO. 374

BY DELEGATE RALEY

October 16, 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the General Assembly shall
2 have the power, (and the authority to delegate
3 such power to units of local government), to
4 establish limited forms of town or city govern-
5 ment including but not limited to the traditional
6 or classical forms of municipal government.
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Constitutional Convention

DELEGATE PROPOSAL NO. 375

BY DELEGATE RALPH

October 16 , 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the General Assembly shall
2 set minimum standards which local governments
3 must follow in the creation and formation of
4 instruments of government.

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Constitutional Convention

DELEGATE PROPOSAL NO. 376

BY DELEGATES K. ROBIE and MAURER

October 16, 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article IV of the Constitution
2 dealing with the Executive Branch shall include
3 a provision concerning Administrative Boards and
4 Commissions which shall read as follows:

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8 Section 4.21 Appointment and Removal of
9 Administrative Boards and
10 Commissions.

11

12 The members of each board or commission which
13 serves as the head of a principal department,
14 except the governing board of an institution of
15 higher education and the state public school system,
16 shall be appointed by the governor and their terms
17 of office shall be prescribed by law in such manner
18 that the governor, within six months of taking office
19 following his election, shall be able to appoint up
20 to one-third of them. Such members may be removed
21 as prescribed by law.

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Constitutional Convention

DELEGATE PROPOSAL NO. 377

BY DELEGATES K. ROBIE and MAURER

October 16 , 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article IV of the Constitution
2 dealing with the Executive Branch shall include
3 a provision concerning Appointments and Removals
4 Prescribed by Law which shall read as follows:

5

6

7 Section 4.22 Appointments and Removals Prescribed
8 by Law.

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11 The members of the governing board of an
12 institution of higher education, of the state
13 public school system, the head or chief admin-
14 istrative officer of an institution of higher
15 education, of the state public school system,
16 or of a principal department within the legis-
17 lative or judicial branches, and the rembers of
18 a regulatory or quasi-judicial agency which docs
19 not serve as the head of a principal department,
20 shall be appointed and may be removed as pre-
21 scribed by law.

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Constitutional Convention

DELEGATE PROPOSAL NO. 378

BY DELEGATE LINTON

October 16 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 each political subdivision of the State shall
3 be represented in at least one house of the
4 legislature, or that existing county boundaries
5 be re-defined to provide that each county and
6 the City of Baltimore be entitled to a minimum
7 of one representative in at least one house of
8 the legislature.

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Constitutional Convention

DELEGATE PROPOSAL NO. 379

BY DELEGATES VECERA and MURPHY

October 16 , 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision restricting the power of popularly
3 elected representative local governments to
4 originate a tax on income or earnings, and
5 matters generally relating thereto, to read
6 as follows:

7

8

9 A popularly elected representative local
10 government shall have no power to originate any
11 law which imposes a tax on income or earnings,
12 but such government may implement by law, or
13 otherwise, any such law enacted by the General
14 Assembly.

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This proposal is intended to supersede Proposal #49

Constitutional Convention

DELEGATE PROPOSAL NO. 380

BY DELEGATES WILLONER, BURGER AND DUKES

October 16, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Bill of Rights of the
2 Constitution contain a provision concerning
3 freedom of information that would read as
4 follows:

5

6

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8 The people of this state shall be free to
9 observe their government in action. To this pur-
10 pose, all proceedings of public bodies shall be
11 open and all official records shall be available
12 for inspection by the people and the press under
13 reasonable regulations, except when determined by
14 state law that such proceedings or records should
15 be kept secret.

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Constitutional Convention

DELEGATE PROPOSAL NO. 381

BY DELEGATE BENNETT

October 16 , 1967.

Introduced, read the first time and referred to the Committee on
The Judicial Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 5.25 of Article V,
2 dealing with the Judicial Branch include a
3 provision relating to the removal or censure
4 of Judges which shall unequivocally state
5 that misconduct in office shall be construed
6 as including rulings, excessive sentences or
7 immoderate statements clearly manifesting bias
8 or hostility based on race, creed or color.

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Constitutional Convention

DELEGATE PROPOSAL NO. 382

BY DELEGATE CARDIN

October 16, 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision to reduce the voting age from twenty-
3 one (21) years to twenty (20) years.

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Constitutional Convention

DELEGATE PROPOSAL NO. 383

BY DELEGATE GILL

October 18 , 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the new Constitution provide
2 for a referendum in all counties affected by
3 a boundary change, to read as follows:
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8 Section 7.02 (Second Sentence). A law
9 altering the boundaries of a county shall be enacted
10 only by the affirmative vote of at least a majority
11 of all the members of each house, and shall be sub-
12 ject to affirmative action by a majority of the
13 registered voters voting in each of the affected
14 counties.
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Note: This proposal amends Proposal #311 by substituting
the word "majority" for "three-fifths".

Constitutional Convention

DELEGATE PROPOSAL NO. 384

BY DELEGATE GILL

October 18 , 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the State Finances Article
2 of the new Constitution shall provide as
3 follows:

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8 The State of Maryland shall begin an orderly
9 and progressive transition from the policy of
10 incurring long-term indebtedness of certain pro-
11 jects of comparative low cost to financing all ex-
12 penditures on an annual basis.

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Note: This proposal amends Proposal #314 by adding
words "of certain projects of comparative low cost."

Constitutional Convention

DELEGATE PROPOSAL NO. 385

BY DELEGATE HANSON

October 18 , 1967.

Introduced, read the first time and referred to the Committee on Local Government.

By order, IRA J. WAGONHEIM, Chiet Clerk.

TITLE

1 A PROPOSAL to include in the Local Government
2 Article of the Constitution a section provid-
3 ing for a Commission on Intergovernmental
4 Relations to read as follows:

5
6 Section 1. Commission on Intergovern-
7 mental Relations.
8

9 At its first regular session following
10 the adoption of this Constitution, the General
11 Assembly shall provide by law for the estab-
12 lishment and operation of a Commission on
13 Intergovernmental Relations. The Commission
14 shall have jurisdiction, in addition to other
15 powers and duties which the General Assembly
16 may prescribe, to: resolve boundary disputes
17 between counties and municipalities; unless
18 rejected by the General Assembly or other
19 government creating them, to define the
20 boundaries of new governmental units or
21 authorities established pursuant to this
22 Article; recommend to the General Assembly
23 classifications of counties and municipali-
24 ties; report to and advise the General Assembly
25 and other appropriate officials of state, re-
26 gional, county, municipal or other local
27 governments with respect to intergovernmental
28 relationships and problems of the state, the
29 adequate performance of intergovernmental
30

1 functions; and to recommend to the General
2 Assembly concerning the establishment,
3 incorporation, merger, dissolution, or
4 alteration of the boundaries of local govern-
5 ments or authorities in the State.
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Constitutional Convention

DELEGATE PROPOSAL NO. 386

BY DELEGATE GRANT

October 18, 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide for
2 the removal of local elected officials (where
3 otherwise not provided for), for disability,
4 incompetency or other failure to carry out the
5 duties of the office to which elected, and for
6 the selection of a person to fill the remainder
7 of the term of such office to read as follows:
8
9

10 Upon the request to the Governor of the
11 governing body of a county or upon petition to
12 the governor of 20% of the voters who voted in
13 the last gubernatorial election in the county,
14 said petition to be in the same manner as for
15 a referendum, the Governor shall cause an in-
16 vestigation to be made and completed within
17 ninety days of the receipt of the request or
18 petition, of the conduct of the office of any
19 elected official within the county from which
20 the request or petition was received. The
21 report of the investigation shall be made to the
22 Supreme Court and shall state whether the in-
23 cumbent of the office should be removed for dis-
24 ability, incompetency or other good cause. The
25 Supreme Court shall in the exercise of original
26 jurisdiction review the report of the Governor
27 and may declare the office to be vacant. Upon the
28 office being declared vacant, the Governor shall
29 appoint a person of the same political party as the
30 original incumbent to fill the remainder of the term

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1 of office as the original incumbent.
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Memorandum
to the
Delegates

JAN 1964

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum to accompanying Delegate Proposal No. 386

By: Delegate Grant .

There is provision for the impeachment of elected officials for misconduct in office. There is provision for the removal due to disability of the Governor or a member of the judiciary. The legislature may act in the case of qualification of its members. There is no provision for removal of other elected officials except for a few local elected officials.

An elected official receives his authority directly from the people and only the people should take this authority from an elected official if the necessity occurs. Recall of elected officials has not proven to be an effective mechanism and not all situations can be reached by impeachment which generally requires some misconduct.

This proposal permits action by the Governor as the chief elected executive officer of the state either upon request by the highest executive authority within the county affected or by the people of the county affected. An investigation is first made by the governor within a set period of time. The recommendation of the Governor is then reviewed by the Supreme Court which has the final say as to whether the office shall be vacated. If vacated the Governor is required to replace the incumbent with a person from the same party as the former incumbent.

Alfred J. Smith
University of Illinois at Urbana-Champaign
Champaign, Illinois

Constitutional Convention

DELEGATE PROPOSAL NO. 387

BY DELEGATES RALEY and CASE

October 18, 1967.

Introduced, read the first time and referred to the Committee on

State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 7.07 of Article VII
2 dealing with Local Government shall contain
3 the following provision concerning powers of
4 counties, to read as follows:

Section 7.07 Powers of Counties

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8 A county may exercise any power, other than
9 judicial power or the power to tax, or perform
10 any function which is not denied to it by this
11 Constitution, by its charter or by a public
12 general law which in its terms and in its efforts
13 is applicable to all counties or to all counties
14 of the county's class, and which has not been
15 transferred exclusively to another governmental
16 unit. The General Assembly may, by law, delegate
17 to the counties any or all power of taxation.

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Journal of Mathematical Economics

Volume 26, Number 1, 1998

Editor: J. J. McLeod

Editorial Board: J. J. McLeod

Editorial Board: J. J. McLeod

Editorial Board: J. J. McLeod

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum to accompanying Delegate Proposal No. 387

By: Delegates Raley and Case

This proposal retains in the General Assembly the power to tax, but provides that the General Assembly may delegate this power to political subdivisions. We believe this of crucial importance for the following reasons:

1. Implicit in the Sherbow Commission, the Rawls Commission, and the Case Commission Reports is the concept that the State must retain unfettered taxing power to prevent balkanization, deterioration, and ultimate economic collapse.
2. The highest legislative body in the State must have this primary power so that taxes that are levied will fit into the general policy of the State with balance and fairness.
3. The State must retain this power to prevent a proliferation of nuisance taxes that might be imposed without proper study or little understanding of consequence.
4. To prevent tax wars between counties.
5. To prevent the imposition of spite taxes.
6. To prevent unfair or regressive taxes being levied against intra state commerce because it is politically expedient to do so without political consequence.

In short, the State must retain its fiscal strength through the power of taxation. If the State permits local subdivisions to usurp this power it thereby gives away the source of its strength to benefit all of its citizens. The gift would be most difficult to retrieve and the results could be catastrophic.

Constitutional Convention

DELEGATE PROPOSAL NO. 388

BY DELEGATE GALLAGHER

October 17 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 3.04 of Article III
2 of the new Constitution dealing with the Legis-
3 lative Branch provide for the election of non-
4 voting legislative agents to represent those
5 counties too small to be entitled to at least
6 one delegate, to read as follows:
7
8

9 At least one Senator, but not more than
10 two Senators, shall represent each senatorial
11 district. At least one delegate, but not more
12 than six delegates, shall represent each house
13 district. Any county which is not entitled to
14 at least one delegate elected completely within
15 the boundaries of the county shall be entitled
16 to a non-voting legislative agent in the house
17 of delegates.
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My dear Sir:

I have the honor to acknowledge the receipt of your letter of the 14th inst.

and in reply to inform you that

the same has been forwarded to the

proper authorities for their consideration.

I am, Sir, very respectfully,

Yours very truly,

Wm. H. Henshaw

Chief of Bureau

Division of Entomology

U. S. Department of Agriculture

Washington, D.C.

Enclosed for you are two copies of

a report on the progress of the

work of the Division of Entomology

for the year 1899.

I am, Sir, very respectfully,

Yours very truly,

Wm. H. Henshaw

Chief of Bureau

Division of Entomology

U. S. Department of Agriculture

Washington, D.C.

Enclosed for you are two copies of

a report on the progress of the

work of the Division of Entomology

for the year 1899.

I am, Sir, very respectfully,

Yours very truly,

Wm. H. Henshaw

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum to Accompany Proposal No. 388

By: Delegate Gallagher, Referred to The Legislative
Branch

In order for Maryland to continue providing one delegate for each county following the 1970 census, it will be necessary for the size of the house of delegates to be increased to 192 (figures based on population estimates by the Maryland State Planning Department).

Since the legislature or the Constitutional Convention may not be willing to enlarge the house of delegates to 192 members in order to maintain the "at least one delegate per county" principle, it is necessary to consider a workable form of relief for the small counties. One form of such relief is to increase the local government powers in the small counties. A second form would be to provide for non-voting legislative agents to look out for the interests of these counties at the state legislature.

A legislative agent would be elected by the voters of a small county at the same time as the elections for the senate and house of delegates. They would serve the same term, be paid the same salary, and take the same oath of office as a voting member of the house of delegates. They also would have the privilege of the house floor and be entitled to debate, subject to those debate limitations applying to every other member of the house of delegates.

The only difference between legislative agents and regular members of the house would be that legislative agents could not vote, either on the floor or in committee. Their most important role, however, would be to serve in a non-voting capacity with the select committee appointed to handle local legislation for the particular county involved. The voters of small counties thus would be guaranteed of having a voice committed to the interests of their county - and only their county - serving on the select committee.

This plan has been applied in the Alabama legislature since 1965. Although clearly a compromise technique, it does provide one means of equating the "at least one delegate per county" principle with the realities of re-apportionment.

Constitutional Convention

DELEGATE PROPOSAL NO. 389

BY DELEGATES BAMBERGER, BARD, BEACHLEY, BRYSON, HICKMAN,
HOPKINS, KIEFER, LINTON, PULLEN, K. ROBIE, SHERBOW, SYBERT
and WILLIS

October 17, 1967.

Introduced, read the first time and referred to the Committee on

General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the General Assembly shall
2 provide by taxation or otherwise for the
3 operation and maintenance of a system of public
4 libraries throughout the State.

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THE
LIBRARY OF THE
CONGRESS

Continental Congress

1774-1789

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Constitutional Convention

DELEGATE PROPOSAL NO. 390

BY DELEGATE NEEDLE

October 17, 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk

TITLE

1 A PROPOSAL that there be a section in the
2 Article entitled "Amendment of the Constitution"
3 providing for a constitutional convention in 50
4 years, and alternative methods of calling for a
5 constitutional convention within 50 years, in-
6 cluding procedures for the governor, General
7 Assembly and the voters by petition to call such
8 convention, to read as follows:

9
10 There shall be a constitutional convention
11 fifty years from the effective date of this
12 Constitution, unless the governor, General Assembly
13 or the voters of the State call a constitutional
14 convention at any time prior to then. The gover-
15 nor or the General Assembly may also at any time
16 submit to the voters of the State the question of
17 calling a constitutional convention. If a peti-
18 tion, signed by a number of qualified voters
19 equal to ten percent of the total number of votes
20 cast for governor in the most recent gubernatorial
21 election, provided that not more than one half of
22 such number shall be voters in any one county, is
23 filed with the office of the governor to refer to
24 the voters the question of calling a constitutional
25 convention, the question shall be submitted to a
26 vote at the next general election. If the question
27 of calling a convention shall not have been submitted
28 to the voters of the State for a period of twenty
29 years after the effective date of this Constitution
30 or after a convention has been held, then it

1 shall be submitted at the next general election.
2 A convention shall be held within two years
3 after a majority of the voters voting on the
4 question approve a calling of the convention, or
5 within two years after the governor or General
6 Assembly calls a convention. Within sixty
7 days after such approval by the voters or with-
8 in sixty days after the governor or General
9 Assembly calls a convention, the governor shall
10 appoint a commission to prepare for the convention.
11 At its next regular session following such approval
12 by the voters, or the calling of a convention by
13 the governor or General Assembly, the General
14 Assembly shall provide by law for the assembling
15 of the convention, the election of delegates, the
16 filling of vacancies in the position of delegate,
17 and the appropriation of sufficient funds for the
18 work of the convention. The convention shall
19 adopt its own rules of procedure. Any proposal
20 recommended by the convention for changing the
21 Constitution shall be submitted to the voters of
22 the State for adoption, and shall be effective
23 only if approved by the affirmative vote of a
24 majority of those voting thereon.

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Constitutional Convention

DELEGATE PROPOSAL NO. 391

BY DELEGATES ULRICH, BLACKLIY, CICOME, LCKENRODE, FORMOS,
GALLACHER, GROH, GRUMBACHER, GULLETT, JETT, LEITZEL, E.C.
MURRAY, NEEDLE, ROBIE and L. TAYLOR

October 17, 1967.

Introduced, read the first time and referred to the Committee on

General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution contain a
2 provision for the conservation of the Natural
3 Resources of the State.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Proposal No. 391

By: DELEGATES ULRICH, BEACHLEY, CICONE, ECKENRODE,
FORNOS, GALLAGHER, GROH, GRUMBACHER, GULLFTT, JETT,
LEITZEL, E.C. MURRAY, NEEDLE, ROBIE and L. TAYLOR

The conservation and protection of the natural resources of our state should be a consideration of this convention and be included in the constitution. The purity of air and water, our wild life and scenic resources belong to all Marylanders and cast upon the living an obligation to preserve for the future.

Knowing the rapid changes of the present and the foreseeable future we feel it imperative to provide for the abatement of water and air pollution, protection of agricultural lands, wetlands and shorelines, and the development and regulation of water and other natural resources.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 392

BY DELEGATE BOROM

October 17, 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 7.09 of Article VII of
2 the Constitution dealing with Local Government shall
3 include the following provision concerning the
4 general application of laws and matters generally
5 relating thereto, to read as follows:
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7
8 Section 7.09 General Application of Laws
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11 Except as otherwise specifically provided for
12 in this Constitution, the General Assembly may not
13 enact any public local laws and, except with res-
14 pect to appropriations, may enact only public
15 general laws which in their terms and in their effects
16 apply without exception to all counties or to all
17 counties in a class; provided, however, that
18 special powers or exceptions needed in county juris-
19 dictions are subject to public general law, the enact-
20 ment of which is in effect under specific prevailing
21 conditions as enumerated within the law. No county
22 shall be exempt from any public general law applic-
23 able to counties in its class.
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THE HISTORY OF THE UNITED STATES

OF AMERICA

BY

JOHN F. JOHNSON

THE HISTORY OF THE UNITED STATES

OF AMERICA

BY

JOHN F. JOHNSON

THE HISTORY OF THE UNITED STATES

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JOHN F. JOHNSON

THE HISTORY OF THE UNITED STATES

OF AMERICA

BY

JOHN F. JOHNSON

Constitutional Convention

DELEGATE PROPOSAL NO. 393

BY DELEGATE LLOYD TAYLOR

October 17, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Bill of Rights to the
2 Constitution contain provisions concerning the
3 rights to services, protection and assistance
4 of the state government for all residents that
5 would read as follows:
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8 Every citizen or resident shall have the
9 right to receive and share fairly, when neces-
10 sary and practicable, in the services, protec-
11 tion, assistance programs, and public benefits
12 of the commonwealth of the State and the sub-
13 divisions as a natural consequence of being
14 part of the common weal.

15
16 The people shall have legal rights to ser-
17 vices, protection, and assistance programs of
18 the State because of the paramount reason of
19 having vested rights and interests in the
20 existence of the common weal; and more, ex-
21 plicitly, because of the demand on the public
22 for tax and other levies as part of the shar-
23 ing of responsibilities for the maintenance
24 of the common weal (government).
25

26 The General Assembly shall enact laws to
27 protect and insure these rights in accordance
28 with the State's policy and primary responsi-
29 bility for the melioration of the condition
30 of the People. The State shall establish the

1 necessary and adequate systems and programs
2 to protect and undergird the well-being of
3 all citizens, including the middle income,
4 the indigent, unemployed, under-employed,
5 disabled, and other individuals handicapped
6 by incidents of life such as technological
7 change and automation.

8
9 The State shall provide or assist in pro-
10 viding a decent and just standard of living
11 for those in need of minimum basic economic
12 security through fair minimum wage laws,
13 unemployment and workmen's compensation systems,
14 job training, creation of jobs, and other
15 appropriate means.

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 393

By Delegate Lloyd Taylor

Memorandum - Part I

Glossary of Terms used in Proposal on the Rights to Services and Protection of the State.

- I. COMMONWEALTH: 2: A nation, state or other political unit as: a: one founded on law and united by compact or tacit agreement of the people for the common good. b: one in which supreme authority is vested in the people. 4: a state of the U.S. -- used officially of Kentucky, Massachusetts, Pennsylvania and Virginia (Webster's Seventh Edition New Collegiate Dictionary, 1967)

The Public or common weal or welfare. This cannot be regarded as a technical term of public law, though often used in political science. It generally designates, when so employed, a republican frame of government--one in which the welfare and the rights of the entire mass of people are the main consideration, rather than the privileges of a class or the will of the monarch; or it may designate a body of citizens living under such a government. (Black's Law Dictionary, 3rd edition, 1933)

- II. VESTED: adj. 1. Law--held by a tenure subject to no contingency; complete; established by law as a permanent right. The Reader's Digest Great Encyclopedic Dictionary (Funk & Wagnalls Standard College Dictionary) 1966.

- III. VESTED INTEREST: 1. A strong interest in or commitment to a system or institution whose continued existence serves one's self interest. (The Reader's Digest Encyclopedic Dict.)

- IV. LEVIES. (LEVY): v.t. 1. To impose and collect by authority or force, as a tax, fine, etc. 2. To enlist or call up (troops, etc.) for military service. 3. To prepare for begin or wage (war). --V.I. 4. To make a levy. 5. Law--To seize property by judicial writ in order to fulfill a judgement; usually with on. --N. pl. levies. 1. The act of levying. 2. That which is levied, as money or troops. (The Reader's Digest Encyclopedic Dictionary)

- V. MELIORATION: n. 1. Betterment (The Reader's Digest Ency.)

(The phrase, "melioration of the condition of the people" is taken from Article 43 of the present State of Maryland Constitution)

Memorandum - Part II

Philosophy Behind Vested Rights to Public Benefits. Documented From The New Property by Charles A. Reich, Yale Law Review, April 1964, Vol. 73, No. 5, 785-787)

D. From Largess to Right.

....Finally, it must be recognized that we are becoming a society based upon relationship and status--status deriving primarily from source of livelihood. Status is so closely linked to personality that destruction of one may well destroy the other. Status must therefore be surrounded with the kind of safeguards once reserved for personality.

Eventually those forms of largess which are closely linked to status must be deemed to be held as of right. Like property, such largess could be governed by a system of regulation, plus civil or criminal sanctions, rather than a system based upon denial, suspension and revocation. As things now stand, violation lead to forfeitures--outright confiscation of wealth and status. But there is surely no need for these drastic results. Confiscation, if used at all, should be the ultimate, not the most common and convenient penalty. The presumption should be that the professional man will keep his license, and the welfare recipient his pension. These interests should be "vested." If revocation is necessary, not by reason of the fault of the individual holder, but by reason of overriding demands of public policy, perhaps payment of just compensation would be appropriate. The individual should not bear the entire loss for a remedy primarily intended to benefit the community.

The concept of right is most urgently needed with respect to benefits like unemployment compensation, public assistance, and old age insurance. These benefits are based upon a recognition that misfortune and deprivation are often caused by forces far beyond the control of the individual, such as technological change, variations in demand for goods, depressions or wars. The aim of these benefits is to preserve the self-sufficiency of the individual, to rehabilitate him where necessary, and to allow him to be a valuable member of a family and a community; in theory they represent part of the individual's rightful share in the commonwealth. Only by making such benefits into rights can the welfare state achieve its goal of providing a secure minimum basis for individual well-being and dignity in a society where each man cannot be wholly the master of his own destiny.

Conclusion

....This article is an attempt to offer perspective on the transformation of society as it bears on the economic basis of individualism. The effort has been to show relationships; to bring together driver's licenses, unemployment insurance, membership in the bar, permits for using school auditoriums, and second class mail privileges, in order to see what we are becoming....

....Just as the Homestead Act was a deliberate effort to foster individual values at an earlier time, so we must try to build an economic basis for liberty today--A Homestead Act for rootless twentieth century man. We must create a new Property.

Memorandum - Part III

The Poor Man's Bill of Rights and/or the Affluent Society's Rights to Increasing Services in an Expanding Urban and Automated Economy?

The above title means what it says. It is a serious question and statement, and not subtle humour.

In our rapidly changing national and state economy, we need a clear understanding and definition of what economic rights should mean for citizens in our State. It is commonplace to observe this paradoxical viewpoint in regards to what wealthy citizens can obtain from the State and what the poor cannot. Since, and before, the Homestead Act,¹ the government has subsidized all classes of men, Western pioneers, Eastern rich in search of land for expansion of railroads, the farmer by paying him to plow acres of cotton and other products underground, merchant ship owners, newspaper publishers with second-class mail privileges, urban renewal developers, entire industries with tariff laws, and others.² But, when welfare benefits are handed out to the poor, many of whom serve their country, by enlisting or being drafted into the Armed Services, the public does not look on with approval. Yet, the government and the assistance it can give exists for all men. Each man has a stake in his government, regardless of his class or accident of birth. All have to contribute in some way, from payment of sales taxes to service in the Armed Services, protecting his country and state, insuring that it will operate.

Nevertheless, the State discriminates against the poor, white and black in much the same way. An economic survey of the human and physical resources in the State of Maryland would reveal that the low-income residents of the State receive a disproportionate and unfair amount of state monies for their schools, playgrounds, city parks, libraries, new transportation facilities (highways and roads), hospitals (and now, even hospitals are following the more well-to-do citizens into suburbia). Baltimore City puts less of its public monies in the Inner City schools, playgrounds, etc., The Sunpapers recently revealed.³ The East and West expressway planned construction has disclosed this problem in Baltimore City: More than 1800 families who will be displaced by the highway are trying to persuade the State and Federal governments to give them more compensation than the fair market value of their homes. The families want to be given fair replacement value for their homes. Facing the ordeal of being uprooted from their homes and being given unfair compensation for them, the people, at least many of them, will have a difficult time in finding decent low-income housing, because neither the State or private business is building for the poor.⁴ In fact, the well-to-do suburban counties and areas restrict the building of low-cost housing through their zoning laws that close doors on the poor white and Negro. Right now, it is safe to say the State is spending more money on highway construction, primarily, for the benefit of wealthy suburbia, than for housing for the poor citizens locked in the cities and towns of Maryland.

The maximum housing monthly grant for a family of seven, dispensed by the State Department of Welfare is about \$49.00, without heat, only adequate enough to rent a slum home in the city. The state's welfare departments do not provide a decent standard of living for their clients. In fact, they support inadequate slum housing with inadequate grants. The wealthy sections of the state and of the nation are growing richer, while the poor are suffering in Baltimore City and the poverty areas of the State. The wealthy citizens and sub-divisions shout for more services and new facilities in their areas and usually get them, while the poor still hunger for better schools, hospitals, playgrounds and other facilities. And, too, the best teachers, along with industrial plants, hospitals, and the wealth of the state are moving farther away and out of reach of the poor.

The state must play a greater role in the allocation of the public resources on an equitable basis to all its

citizens and sub-divisions. It must give a decent standard of living to the welfare recipient and say it in the new Constitution. It must give the poor a bill of rights, put them on equal terms with the well-to-do citizens who are subsidized freely in many ways and also who receive a greater share of the allocation of the State's resources. The State must create jobs as the anti-poverty programs and the City of Baltimore are doing with the Community Action Agencies. It cannot continue to increase its services for the affluent society and neglect the needs of the poor, who are part of the common weal, and who contribute in their own way.

The State must also be prepared for the day when technological change and automation begin to affect the middle-income, technical and professional classes by allowing for a constitutional provision to meet the needs of the fully automated urban society of years to come. A poor man's bill of rights now will mean later a means of insuring the affluent society's justifiable continuing rights to services and a strong supportive government to meet the needs of all people justly. Lloyd Taylor

1. Some land was the gift of the sovereign under laws such as the Homestead and Preemption Acts. Many other natural resources--water, minerals and timber, passed into private ownership under similar grants. In America, land and resources all were originally government largess. The New Property, Charles A. Reich, p. 778, Vol. 73, No. 5, April, 1964.

2. Subsidies. Analogous to welfare payments for individuals who cannot manage independently in the economy are subsidies to business. Agriculture is subsidized to help it survive against better organized (and less competitive) sectors of the economy, and the shipping industry is given a dole because of its inability to compete with foreign lines. So are other major industries, notably housing. Still others, such as the railroads, are eagerly seeking help. Government also supports many non-business activities, in such areas as scientific research, health, and education. Total federal subsidies for 1964 were expected to be just under eight and a half billion dollars. Id. at 735, 736.

3. But despite the sizeable amounts of money spent on inner-city construction, the city school board has been giving higher priority to building new schools in areas of expanding population than to replacing the old schools of the inner city. Baltimore's Poor, V. Ailing Schools, The Sun, 10/6/67, p. A13

4. C.O.R.E. has said that many of the families involved, especially Negroes whose housing market is restricted, cannot find similar property in other areas of the city for the amounts they would receive for their old homes. Agnew Asks Acquisition Policy Study, Gene Oishi, The Sun, p. B20, 10/14/67

5. In 1964, ten men could produce as many automobile motor blocks as 400 men in 1954; two workers could make a thousand radios a day, a job that required 200 a few years before; 14 operators were tending the glass-blowing machines that manufactured 90 percent of the glass bulbs in the United States of America. During the fifties, Bell Telephone increased its volume by 50 percent and its work force by only 10 percent....

....More unskilled and semi-skilled jobs in private manufacture were destroyed than created....

....At the same time, the machines were the source of enormous profit, and thus there was a deformed "prosperity", benign for corporations, malignant for millions of workers.

Curiously enough, this process stands out in even starker relief in American agriculture. There, productivity increases have recently hit a prodigious 6 percent a year. One result has been to cut the postwar population from 14 percent of the population to 7 percent. And even this figure conceals the radical character of the change. Farming supports a tremendous amount of underemployment and hidden unemployment. A third of the American agricultural producers do not market crops but merely eke out an impoverished subsistence for themselves...

In short, less than 5 percent of the American are able to produce more food than they can profitably sell to the other 95 percent under the present system. In order to satisfy these politically powerful farmers, the government now pays them between \$4 and \$5 billion a year in subsidies.

....American industry broke through a technological barrier somewhere in the mid-fifties. Cybernation made it possible to expand production and contract the work force. Less labor produced more goods. Even so, the president of a corporation making automated equipment, John Snyder, remarked that his equipment was only at a "primitive" level, than an accentuation of the process was imminent.

At first, the new technology was most dramatically successful in reducing unskilled and semi-skilled industrial jobs. It was as time went on other occupations began to be affected. In the financial services industry, machines took over more and more

office work; transportation employment dropped....
The Accidental Century, Michael Harrington, Chap. 8, The
Statues of Daedalus, p. 245-248, Penguin Books, 1965.

Handwritten text at the top of the page, possibly a title or header.

Main body of handwritten text, appearing to be a list or series of entries, though the text is extremely faint and illegible.

Constitutional Convention

DELEGATE PROPOSAL NO. 394

BY DELEGATES FOX, ADKINS and FORMOS

October 18, 1967.

Introduced, read the first time and referred to the Committee on
State Finance and Taxation

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 8.02 of Article VIII,
2 dealing with tax and assessments, provide for
3 a mandatory subclassification for assessment of
4 land devoted to agriculture uses but allowing
5 the legislature to define agricultural use to
6 read as follows:

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9 Section 8.02 Assessments

10
11 No assessment nor any exemption therefrom
12 with respect to any tax imposed by the State
13 or any governmental unit thereof shall be made
14 except pursuant to uniform rules within classes
15 or subclasses of taxpayers, property or events
16 as may be provided by law and such classes or
17 subclasses shall include property devoted to
18 agricultural or open space uses as defined by
19 law.
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James M. Smith
Secretary of the Board of Trustees
Columbia College, Md.

Dear Sir:

I have the honor to acknowledge the receipt of your letter of the 10th inst. and in reply to inform you that the same has been forwarded to the proper authorities for their consideration.

I am, Sir, very respectfully,
Yours, very truly,
James M. Smith

Enclosed for you are two copies of a report of the Board of Trustees, dated the 10th inst., in relation to the proposed changes in the curriculum of the College.

I am, Sir, very respectfully,
Yours, very truly,
James M. Smith

Enclosed for you are two copies of a report of the Board of Trustees, dated the 10th inst., in relation to the proposed changes in the curriculum of the College.

I am, Sir, very respectfully,
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I am, Sir, very respectfully,
Yours, very truly,
James M. Smith

Constitutional Convention

DELEGATE PROPOSAL NO. 395

BY DELEGATE SCHLOEDER

October 15, 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Declaration of Rights shall
2 contain the following provision concerning the
3 freedom of the right to teach, and matters generally
4 relating thereto, to read as follows:

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9 No person shall be denied the right to
10 teach or discuss any social, economic, or
11 political problem by the state, officials, or
12 any organized group.

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Constitutional Convention

DELEGATE PROPOSAL NO. 396

BY DELEGATE GRANT

October 18 , 1967.

Introduced, read the first time and referred to the Committee on
Suffrage and Elections.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution contain a
2 provision for the exercise of a limited franchise
3 by persons otherwise not qualified to vote to
4 read as follows:
5
6 Any unit of government may provide by law
7 for the extension of the right to vote on
8 specified questions to persons within the area
9 of that unit of government who are not otherwise
10 qualified to vote in local or general elections.
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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 396

By Delegate Grant

The limitation of exercise of franchise to a specific geographical location which the voter declares to be his residence is the result of the circumstance that at one time person's vital interest laid in a single community in which the person lived and worked. This ignores the present day mobility of people which results in many persons being a member of and having a vital interest in several communities. To absolutely limit that person's right to vote to one community deprives that person of a voice in the affairs of another community in which that person might also have a vital interest.

No person should be allowed to vote twice on any question but should not be prohibited from voting once. This proposal would allow a unit of government to permit voting at the site of that governmental unit on specific issues within that unit of government by persons who would otherwise be precluded from voting by virtue of exercising their general franchise at the site of some other unit of government.

Constitutional Convention

DELEGATE PROPOSAL NO. 397

BY DELEGATES GULLETT AND FREEDLANDER

October 19, 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 7.07 of Article VII
2 of the Constitution, dealing with Local Govern-
3 ment, shall provide for the powers of the
4 counties, election of members of the county
5 legislative branch, and matters generally re-
6 lating thereto, to read as follows:

7
8 Section 7.07. Powers of Counties

9
10 A county may exercise any power, other than
11 judicial power, or perform any function which
12 is not denied to it by this Constitution, by
13 its charter or by a public general law which
14 in its terms and in its effects is applicable
15 to all counties or to all counties of the county's
16 class, and which has not been transferred ex-
17 clusively to another governmental unit. The
18 members of the branch of the county government
19 exercising legislative power who are elected by
20 district shall be elected by the same voters of
21 the district from which they seek election.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Proposal 397

By Delegates Gullett and Freedlander - referred to Local Government

This proposal is suggested by delegate proposal #111. The effect of the accompanying proposal would be as follows:

1. If a county councilman runs in a multi-district county that has a residency requirement, he can be voted on only by the qualified voters of his own district and not "at large" in the county as a whole.

2. It would allow all counties, particularly the smaller ones, to elect county commissioners at large and would not require districts in those counties.

3. It would allow counties to have several optional forms of representation such as:

- a. small districts with one councilman each.
- b. large districts with one or more councilman.
- c. a mixture of at-large and district councilman.

4. While it would allow large counties the right to elect all legislative members at large, it is felt that the people of larger units will prefer districts for at least most of their representatives. This proposal avoids putting in a population requirement such as 100,000 or 250,000 as a dividing line between those counties that will elect at large and those that will elect by district.

5. The proposal does not deal with the one man-one vote principle because it is assumed that the court will settle this matter adequately.

Maryland Room
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College Park, Md

Constitutional Convention

DELEGATE PROPOSAL NO. 398

BY DELEGATE L. TAYLOR

October 18, 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 the State shall conduct an extensive survey
3 every five years to determine the supply,
4 demand, and maximum economical utilization of
5 resources of every nature, kind, and descrip-
6 tion which would be available to meet the needs
7 of the State, its citizens, and major private
8 enterprises.
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Constitutional Convention

DELEGATE PROPOSAL NO. 399

BY DELEGATES WAGANDT, MARION and SOLLINS

October 19, 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article VII of the Constitution,
2 dealing with Local Government, include a provision
3 concerning the division of counties into districts
4 for the election of members of the legislative
5 branch of the county, and matters generally related
6 thereto.

7

8

9 Article VII of the Constitution, dealing with
10 Local Government, shall provide that any county with
11 a population of 100,000 or more shall be divided by
12 law into districts for the election of members of
13 the legislative branch of the county government;
14 that legislative members be elected from districts
15 by the voters of the same districts from which
16 they seek election; that each district shall consist
17 of compact and contiguous territory; and that the
18 most populous district shall not exceed the least
19 populous by more than 10%. Provided, however,
20 that a chairman of the legislative body of the
21 county government may be elected at large.

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Constitutional Convention

DELEGATE PROPOSAL NO. 400

BY DELEGATE GRUMBACHER

October 20 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the second sentence c -
2 Section 3.13 of Article III, dealing with
3 the Legislative Branch, include a provision
4 concerning the election of officers and
5 committee chairman, rules of procedure, and
6 matters generally relating thereto, to read
7 as follows:
8
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10 Each house shall elect its own officers
11 by secret ballot, and determine its rules of
12 procedure, and each standing committee shall
13 elect its chairman by secret ballot, and may
14 permit its committees to meet between sessions
15 of the General Assembly.
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Constitutional Convention

DELEGATE PROPOSAL NO. 401

BY DELEGATES GALLAGHER, SCANLAN AND BARD

October 23, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 1.03 of Article I of
2 the Constitution, dealing with the Declaration
3 of Rights, shall include a provision to
4 guarantee the free exercise of religion, to read
5 as follows:

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10 No law shall be enacted respecting an
11 establishment of religion, or prohibiting the
12 free exercise thereof.

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Constitutional Convention

DELEGATE PROPOSAL NO. 402

BY DELEGATE HANSON

October 24, 1967

Introduced, read the first time and referred to the Committee on

The Legislative Branch

By order IRA J. WAGONHEIM Chief Clerk

TITLE

1 A PROPOSAL to provide a procedure for redis-
2 tricting the membership of the General
3 Assembly, to read as follows:

4 Section 1: Redistricting Procedure.

5
6 At least six months before the first day of
7 a regular session of the General Assembly in
8 a year in which redistricting is to occur, the
9 presiding officer and the minority leader of
10 the House of Delegates shall each appoint from
11 each of the State's congressional districts, one
12 citizens, who shall be of the same party as the
13 officer appointing him, and who shall hold no
14 other elected or appointed public office in the
15 State of Maryland. The persons so appointed
16 shall act as a Commission on Redistricting of
17 the General Assembly.
18

19
20 Within thirty days following appointment of the
21 members of the Commission, the Attorney General
22 shall convene the Commission, preside at its
23 deliberations and provide it with legal advice
24 or assistance, but he shall not vote on any ques-
25 tion before it. The Commission shall prepare a
26 plan for the redistricting of the membership of the
27 House of Delegates and of the Senate in accordance
28 with the standards set forth in this Constitution
29 and with the Constitution and laws of the United
30 States. In preparing its plan of redistricting,

the Commission shall use the latest federal census of population of Maryland, provided such a census has been taken within five years prior to the time set for the report of the Commission. If such a federal census is not available, the Commission may use a special census of population, or official estimates of population by state agencies. The Commission may require such services of State agencies as may be necessary to provide information necessary to perform its duties under this Article. No plan of redistricting shall be finally adopted by the Commission until it shall have been published and until the Commission shall have held a public hearing in each congressional district concerning it.

The Commission shall present its plan of redistricting and a report of its deliberations to the respective Houses of the General Assembly not later than the first day of the regular session of the General Assembly in the year in which redistricting is to occur.

If, after receipt of the plan of the Commission, the General Assembly has not enacted, by law, any other plan of redistricting sixty days before the last day set for the filing of candidates for the General Assembly, the plan, as submitted by the Commission, shall become law.

Upon petition of any qualified voter, the Supreme Court shall have original jurisdiction to review the plan of redistricting which becomes law. If an act of the General Assembly is found by the Supreme Court not to meet constitutional requirements, then the plan of the Commission shall become law. If it finds that the Commission plan does not meet constitutional requirements, the Supreme Court shall grant appropriate relief for the conduct of an impending election.

Constitutional Convention

DELEGATE PROPOSAL NO. ~~403~~

BY DELEGATE HANSON

October 25, 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL to provide standards for the
2 redistricting of the General Assembly, to
3 read as follows:

4 Section 1: Legislative Districts

5
6
7 The State shall be divided, as provided in
8 this Constitution, into districts for the
9 election of members of the House of Delegates
10 and into districts for the election of members
11 of the Senate. One delegate shall be elected
12 from each delegate district, and one senator
13 shall be elected from each senatorial district.
14 Each delegate district shall be composed of
15 contiguous territory, and it shall be as com-
16 pact in form as practicable. Natural boundaries
17 and the boundaries of political subdivisions
18 shall be followed insofar as practicable. The
19 range of deviation between the populations of
20 the largest and the smallest districts in the
21 State shall not exceed five per cent of the
22 mean population per delegate district. Each
23 senatorial district shall consist of an equal
24 number of contiguous delegate districts. Sena-
25 torial districts shall be as compact as
26 practicable.

27 Section 2: Redistricting

28
29 The membership of the House of Delegates and the
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Senate shall be redistricted in 1970 and every
twentieth year thereafter, and also in 1982 and
every twentieth year thereafter.

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Constitutional Convention

DELEGATE PROPOSAL NO. 404

BY DELEGATE NEEDLE - by request

October 25, 1967.

Introduced, read the first time and referred to the Committee on
The Judicial Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision that criminal court records resulting
3 in verdicts of not guilty or probation without
4 verdict shall not be available to the public,
5 that such records shall be destroyed at the
6 request of the accused, and matters generally
7 relating thereto.

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10 All court records of criminal cases result-
11 ing in verdicts of not guilty or probation with-
12 out verdict shall not be transmitted to or
13 recorded among any other records; all such
14 other records as now exist shall be destroyed
15 upon the request of the accused; all such records,
16 whether they be official court records or other-
17 wise, shall not be made available to the public;
18 and all such records shall not be used against the
19 accused by any court, other branch or agency of
20 government, or by any employer or other corpora-
21 tion or person.

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Constitutional Convention

DELEGATE PROPOSAL NO. 405

BY DELEGATES WHEATLEY AND BLAIR

October 25, 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Article VIII of the new
2 Constitution, dealing with General Provisions,
3 shall provide for an affirmation by all public
4 employees that they will support the Constitu-
5 tion of the United States, the Constitution
6 of Maryland and the laws thereof, such affirma-
7 tion to be similar to that given to elected and
8 appointive officers (but adapted to reflect
9 necessary differences).

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Constitutional Convention

DELEGATE PROPOSAL NO. 406

BY DELEGATES MILLER, B., ABRAMSON, BAMBERGER, BARD, BAUMANN, BENNETT,
BLAIR, BOTHE, BOYCE, CLARKE, E., HARRIS, KIRKLAND,
KOSAKOWSKI, LORD, MITCHELL, MURPHY, MURRAY, D., NEEDLE, RITTER, RUSH, SICKLES,
SOLLINS, SMITH, A.W., TAYLOR, VECERA, WHEATLEY, WHITE.
October 25, 1967.

Introduced, read the first time and referred to the Committee on

Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that all persons shall have the right
2 to form or join labor organizations for their
3 mutual aid and protection and to bargain collect-
4 ively through representatives of their own
5 choosing.
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Constitutional Convention

DELEGATE PROPOSAL NO. 407

BY DELEGATE BOILEAU

October 25 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Bill of Rights of the
2 new Constitution shall include guarantees of
3 freedom from arbitrary administration action,
4 to read as follows:
5
6

7 1. No person shall be bound by an adminis-
8 trative decision unless on a presentation of
9 public notice; nor shall he be subject to the
10 same official for both prosecution and adjudi-
11 cation, nor be deprived of liberty or property
12 unless by a prescribed mode of procedure.
13

14 2. In all administrative proceedings, the
15 accused shall have the right to a speedy and
16 public hearing by an impartial arbiter and to be
17 informed of the nature and cause of the accusa-
18 tion, to be confronted with the evidence against
19 him, and to have the benefit of technical assist-
20 ance in preparing a defense.
21

22 3. In administrative hearings, where the
23 amount in controversy shall exceed that set by
24 law, or when a fundamental right is involved, the
25 right to a record of the proceedings shall be
26 preserved. Proper appellate procedure must also
27 be provided by legislative action.
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Constitutional Convention

DELEGATE PROPOSAL NO. 408

BY DELEGATE SOLLINS

October 25, 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution shall
2 include a statement of the educational policy
3 of the State which shall provide for a state-
4 wide system of free public schools, apportion-
5 ment of state aid to education, and matters
6 generally relating thereto.

7
8 The State shall provide by law a statewide
9 system of free public schools for the educa-
10 tion of, and open to, all children of school
11 age, and shall guarantee equal educational
12 opportunity for all children of school age.
13 The General Assembly shall apportion all
14 state financial aid to education based on the
15 number of pupils, the special educational
16 needs and educational potential of each child
17 of school age, and the total local tax burden
18 of the taxpayers of each local school district
19 or political sub-division of the State.

20
21 The State shall also provide for such other
22 public educational institutions as may be
23 desirable for the intellectual, cultural, and
24 occupational development of the people of the
25 State.

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Constitutional Convention

DELEGATE PROPOSAL NO. 409

BY DELEGATE FINCH

October 26 , 1967

Introduced, read the first time and referred to the Committee on
Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 there shall be a State Policy making Council
3 consisting of five (5) members, including the
4 Governor (who shall serve as Chairman), the
5 Attorney General, a financial representative
6 (such as the Comptroller or the Director of
7 the Budget), the President of the Senate and
8 the Speaker of the House. The duties of the
9 Council shall be prescribed by law.
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Constitutional Convention

DELEGATE PROPOSAL NO. 410

BY DELEGATE FINCH

October 26 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision that the police power of this State
3 shall never be abridged, nor construed to
4 permit conduct of any business or enterprise
5 in any manner which infringes the equal rights
6 of persons or the general welfare and well-
7 being of this State.
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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 410

By Delegate Walter G. Finch .

This proposal relates to having a provision in the Constitution that the police power of the State shall never be abridged, nor construed to permit the conduct of any business or enterprise in any manner which infringes the equal rights of persons or the general welfare and well-being of this State. This proposal should be considered in conjunction with Delegate Proposals No. 432 and 434.

The police power of the State is, potentially, a two-edged sword. On the one hand, it may be used to protect and promote public welfare; on the other hand, it could conceivably be used to permit, in effect, one segment of our people to gain a measure of control over other citizens of our society. This proposal points out a particular instance wherein the use of the police power would be particularly onerous and provides that such a usage shall never be tolerated.

Business entities, such as corporations, associations, or other organizations, establish basic policies as routines in the conduct of their business affairs. These policies, one might imagine, are designed to advance the economic interests of the business entities themselves or, perhaps, are set forth by individuals with much power within the business entity who wish to impose their social views on their fellow citizens.

Now, it has been likewise established that all citizens have the inalienable right to certain guarantees set forth in the Federal Constitution. One of these guarantees is the "equal rights" guarantee of the Fourteenth Amendment which protects the individual against certain "state" action.

It often happens, then, that the policies of the various business entities clash, for one reason or another, with the right of the individual citizen to "equal rights" under the Federal Constitution. Of course, the individual citizen is only guaranteed "equal rights" as against government intervention; so, while he may be actively denied "equal rights" in a certain instance, if such rights are not infringed by the government, then he has no recourse to the Constitution for aid in the matter. Thus are

the battle lines drawn between business entities seeking to advance their own interests by controlling or disparaging a certain segment of the people and citizens at large, seeking to realize the great American idea of universally equal treatment of all to all. The battle ensues.

The end result of this never-ending battle is not always clear. One thing is clear however, and this proposal would highlight and clarify this concept in the new Constitution - the business entities may not employ any form of State action to infringe upon the "equal rights" guaranteed to each and every citizen.

Police action is, of course, a very particular form of State action, particular in that it is a highly sanctioned, approved-of form of State action. This proposal makes it clear that to use the police power to infringe on a citizen's "equal rights" is not a legitimate use of the police power but is, rather, an abuse of the Fourteenth Amendment notion that the State may not, in any way, infringe upon the "equal rights" of the citizen.

The battle between business "power" and individual "rights" will continue but this proposal envisions that it shall continue unimpeded by the presence, on the business side, of what could be considered the ultimate weapon - the police power of the State.

UNIVERSITY OF MARYLAND
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 411

BY DELEGATE FINCH

October 26 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision that the State shall provide for the
3 protection and promotion of public health, in-
4 cluding providing assistance and aid for persons
5 unable to maintain a standard of living compat-
6 ible with decency and health."
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The same rationale applies to State assistance to certain destitute citizens, which is, after all, only a branch of public health. Certainly, there is nothing more detrimental to "public health" -- no matter how you care to define the term -- than an area or community of people, unable to take care of themselves, who live in squalor and decadence. Such a condition, which will, by its nature, tend to spread is more than an "eyesore" to the community at large -- it is a threat to the health and welfare of all citizens and generations yet unborn.

Constitutional Convention

DELEGATE PROPOSAL NO. 412

BY DELEGATE FISCH

October 28, 1967

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHISIM, Chief Clerk

TITLE

1 A PROPOSAL that the Constitution authorize the
2 Legislature to enact legislation enabling the
3 State to draft its citizenry for the purpose of
4 assisting law enforcement officers in time of
5 internal strife, disaster, invasion, and rebel-
6 lion.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 412

By Delegate Walter G. Finch

This proposal calls for the Constitution to have a provision therein authorizing the legislature to enact suitable legislation enabling the state to draft its citizens for the purpose of assisting in law enforcement in time of internal strife, disaster, invasion and rebellion.

This is an era of specialization and detachment. That is, each man has his own tasks to perform and he does not, generally, take an active part in the affairs of others. The law enforcement officer is a specialist. The problem is that his job is so pervasive and so demanding that, in certain instances, it would seem that he cannot perform all of his functions effectively without the active participation of the citizenry at large. Thus, we come to the second phase of the two pronged dilemma.

For various reasons, perhaps too extensive to be probed here, the people at large have the attitude that the enforcement of law and the maintenance of order is strictly the job of the man in uniform, that it will be "taken care of". Perhaps the "man in uniform" has promoted this attitude to an extent; perhaps the law has encouraged this notion by allowing civil suits against well-meaning but unwise would be rescuers; perhaps such an attitude is merely a sign of the times in which we live.

Whatever the reason, there are times, such as envisioned in this proposal, of particular peril, when it becomes imperative that all citizens join together to aid and maintain law and, indeed, order.

Such a concept should be a cornerstone of the new Constitution for it cannot be forgotten that it is a basic task of the Constitution to inform the people of their rights, and duties as a part of the identity called the state. It is the feeling of this author that this proposal will point out to the people an obligation on their part; an obligation which they then accept and come to revere. It will be an important step toward the reinvolverment of the people - a breakthrough, if you will, in detachment. A principle which is set forth in the Constitution will, as time passes, become a valued, traditional tenet of the state and the people.

Constitutional Convention

DELEGATE PROPOSAL NO. 413

BY DELEGATE FINCH

October 26 , 1967.

Introduced, read the first time and referred to the Committee on
Judicial Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision that there shall be at least two (2)
3 judges of the Supreme Court of this State who
4 shall be lay persons to add wisdom, experience,
5 and objectivity to the Court in making decisions
6 which affect the rights of the people of
7 this State.
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THE
UNIVERSITY OF CHICAGO
PRESS

THE HISTORY OF THE UNITED STATES OF AMERICA IN THE TWENTIETH CENTURY

EDITED BY
CARL L. BEAUMONT
AND
JOHN H. HARRIS

THE UNIVERSITY OF CHICAGO PRESS

CHICAGO, ILLINOIS

1961

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 413

By Delegate Walter G. Finch

This proposal urges that the Constitution contain a provision that there shall be at least two (2) judges of the Court of Appeals (the highest court of Maryland) who shall be lay persons in order to add wisdom, experience, and objectivity to the court in making decisions which affect the rights of the people of this State.

It is to be noted that the U. S. Constitution in Article III, Section 1, provides that "The Judicial Power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office."

There is no requirement in the U. S. Constitution, nor in federal law, that requires a Judge of the Supreme Court of The United States to be a lawyer. The President of the United States could, in reality, appoint a lay person as a Judge to the Supreme Court, provided this lay person was confirmed by the U. S. Senate.

This proposal, therefore, envisions that the highest court of this State be composed of a number of lawyers, preferably five (5), highly trained and skilled in the field of law and jurisprudence, and at least two (2) lay persons who would have some background in the field of law, but who would not necessarily be lawyers, but who would have broad backgrounds in other fields, such as sociology, political science, business administration, science and technology, but not necessarily limited thereto. It is felt that persons with the backgrounds indicated would add wisdom, practical experience, and would be a great deal more objective in making decisions which would affect the rights of the people of this State.

It is to be noted that the jury is composed of lay persons, and that these lay persons determine both the facts and apply the law to the facts after being properly instructed by the Judge hearing the case. The Judges of

the Court of Appeals, except in rare instances, such as reapportionment, disability of State officials, render decisions applying the law to the facts as previously determined. Lay persons, with broad backgrounds, could equally perform the same functions as judges legally trained.

It is further to be noted that in Maryland Criminal causes, the court may and at the request of any party shall, give such advisory instructions to the jury as may correctly state the applicable law; the court may give its instructions either orally or in writing. The court shall in every case in which instructions are given to the jury, instruct the jury that they are the judges of the law and that the court's instructions are advisory only. (Md. Rule 756 (b)) Therefore, in all criminal jury trials in Maryland, all the "judges" of law may be lay judges, if there are no lawyers sitting in the jury.

Not only do the lay members of juries in criminal trials judge the law - but also, they have exclusive domain over judging the facts and determining the weight of the evidence and the credit to be given to the witnesses. (Md. Rule 756 (c)).

Hence, if all members of the jury are lay members, then the whole decision, both law and fact, will rest in the minds of these individuals who are without the benefit of legal training. If Maryland, presently, does not consider it essential for legal element to render decisions in criminal matters - decisions which have the greatest human effect - then Maryland must consider the lay decision supreme. Thus, why not carry through on this philosophy when considering the qualifications of the composition for the highest court of the State of Maryland - and preserve the basic thinking behind criminal process - that is, lay decision is important for a "balanced" consideration.

Admittedly, cases on appeal are argued on law - applied to fact decided by law decision - and may require a higher degree of legal awareness, but by at least providing for a minority representation of lay members on the Court of Appeals, then the essential "philosophical balance" is assured when the mixed court renders its decision.

Constitutional Convention

DELEGATE PROPOSAL NO. 414

BY DELEGATE FINCH

October 26 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision that the power to suspend laws of
3 this State shall only be exercised by the Leg-
4 islature or by authority derived therefrom.
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N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 414

By Delegate Walter G. Finch

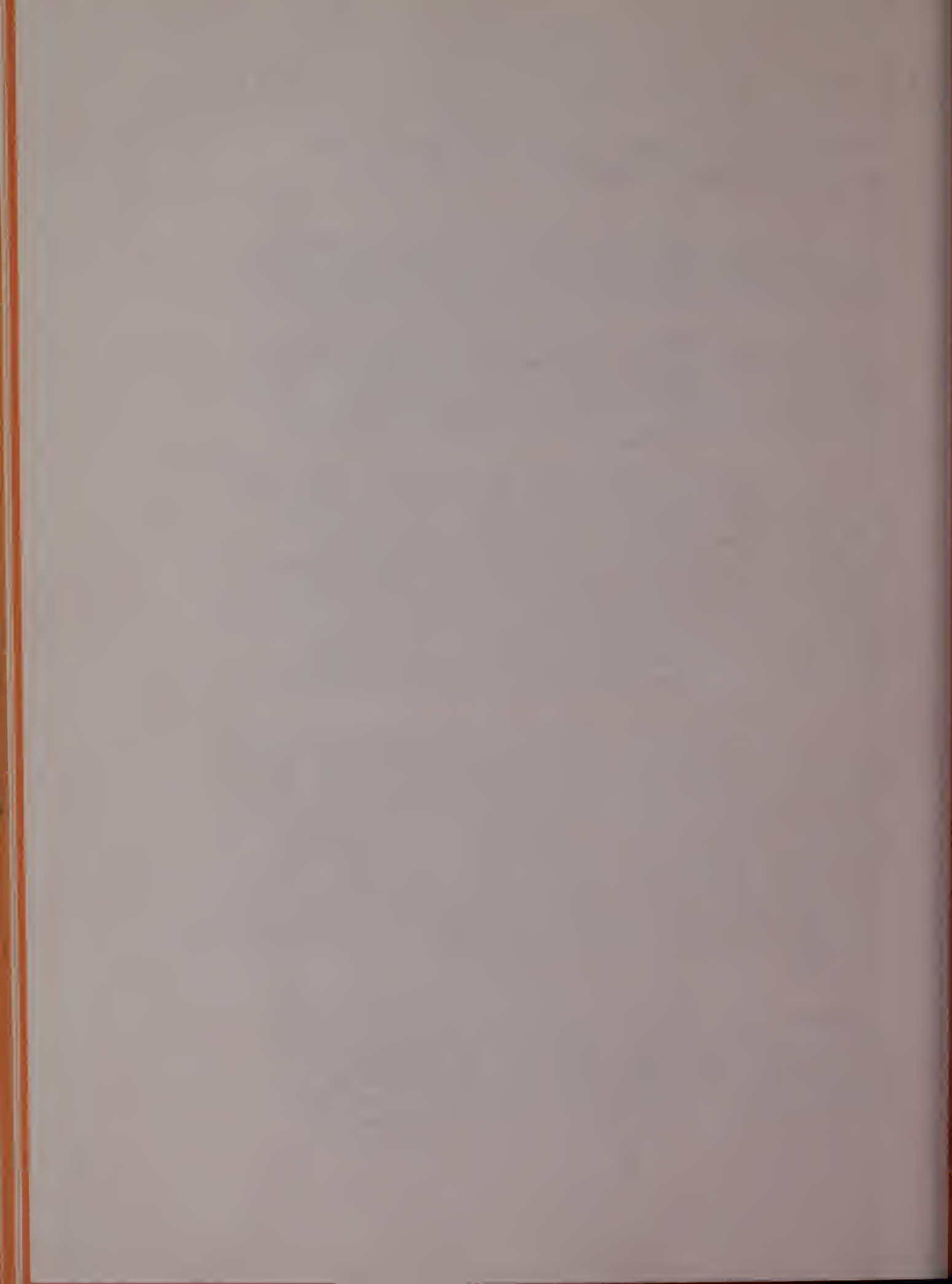
This proposal relates to having a provision in the new Maryland Constitution that the power to suspend laws of this State shall only be exercised by the legislature or by authority derived therefrom.

This proposal reiterates the "law" as it has existed in Maryland via the Maryland Constitution, Declaration of Rights, Article Nine which states "That no power of suspending laws or the execution of laws, unless by, or derived from the legislature, ought to be exercised, or allowed".

The rationale behind the proposal is that the legislative branch is the only branch to be charged with the actual "making" of the law. It is the only branch so constituted as to reflect a democratic, representative consensus of the people. One of our fundamental doctrines is the notion of "separation of powers". If either the executive or judicial branch may suspend the laws passed by the legislative, then the power of the legislature to decide which laws will rule the land is "shared" with these other branches of government - a clear violation of the "separation of powers" principle.

The effect of having the other branches in a position to suspend the laws passed by the legislature would be to extend an open, permanent invitation to chaos. One can imagine the frustration, conflict, and splinter grouping that will develop when the various branches of government are permitted to countermand each other - after the final decision (i.e. law) is made. The way our government now functions, and would best function in the future, is to allow the executive branch to interact with the legislature during the process of lawmaking, but after the law is passed, the dye is cast and cannot be shattered by other hands.

This notion that the various branches of government must not be invited to oppose each other with the law as the "carcass" of such squabbling is an eminently wise, time tested political principle indispensable to a democracy and intolerable to dictatorships. It should be enshrined in the "new" Constitution as it was in the "old" Constitution.



Constitutional Convention

DELEGATE PROPOSAL NO. 415

BY DELEGATE FINCH

October 26 , 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WACONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision that the State shall obtain, conserve
3 and develop objects and places of historical,
4 cultural and heritage interest.

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Committee on the Constitution
of the State of Maryland

CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 415

By Delegate Walter G. Finck

This proposal urges that the Constitution contain a provision that the State shall obtain, conserve, and develop objects and places of historical, cultural and heritage interest.

As has been indicated many times on behalf of various proposals, it is the function of a Constitution to provide future government with guiding principles and to enshrine certain values and beliefs far above the possible erosion of later legislative action.

The principal that this proposal brings forth for enunciation in the Constitution is the belief that the State should secure, preserve, and develop places and objects of historical and cultural significance or interest.

Today, we live in a rapidly paced society. Life is a fast and often transient proposition as we perpetuate an ever changing set of values.

Commendable values, those that can begin and continue an education, that can instill an appreciation of our place in history, and promote continuity between past and present, are often those values which arise from and are an inseparable part of people, places, things, and events which have contributed nobly to our way of life in the past. These remnants of our historic past, whether they be places or things, actually reflect stories of valor, instances of justice, and accounts of purposefulness which set these places and things apart as institutions unto themselves, divorced, in a sense, from contemporary places, things and people.

Fort McHenry, the Wye Oak, parts of Annapolis -- just what is now or will be a worthy remnant of our historical past is to be decided by the legislature with the passage of time, but the idea that such sites and objects be preserved should be established in the Constitution because these historical reflections must be available for study, for appreciation, and for inspiration as we contemplate the

future. Our historic past is not sacred nor perfect, but it is, in its imperfect state, our best link with the future, our best tool for understanding ourselves, as we have developed, as we face the future.

Our cultural heritage, as it exists now and as it will unfold in the future, is no less significant than our historical past. In some respects, it reflects much the same values as does our strictly historical past, recording not just events that actually happened, however, but revealing the intellect and sensitivity of the finest minds of an era thru their creative works. Art, writing, music, even sports, provide a record of the past, then, in their own way, provide also a source of understanding and inspiration for future citizens of a hectic, perhaps unstable, tomorrow.

The framers of this Constitution may now charge the government of the future with the responsibility of preserving our heritage for the benefit of future generations.

Constitutional Convention

DELEGATE PROPOSAL NO. 416

BY DELEGATE FINCH

October 28, 1967

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision that every person within this State
3 shall obtain right, justice and a remedy for
4 all wrongs or injuries which he may suffer to
5 his person, property, character, and family,
6 such right to be free and without purchase, com-
7 plete and without denial, precept and without
8 delay, by having recourse to the laws and
9 equitable principles.

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Memorandum Accompanying Delegate Proposal No. 416

By Delegate Walter G. Finch

This proposal calls for a provision in the State Constitution that every person within this State shall obtain right, justice, and a remedy for all wrongs or injuries which he may suffer to his person, property, character, and family, with such right to be free and without purchase, complete and without denial, prompt and without delay by having recourse to the laws and the equitable principles of jurisprudence.

It has long been a tenet of our civil law that a man is compensated for damage done to him by another, such compensation being offered as will place the man in the position he would have been had not the injury occurred. Along with this, it has been found that some injuries are hard to compensate -- thus injury to personal reputation, deprivation of civil rights, and denial of other intangible rights are difficult areas in which to determine compensation. The effort to achieve a measure of compensation is made however.

One part of the principle of this proposal adopts this civil law tenet and establishes it as a basic part of our constitutional law. However, the proposal goes a step further -- it envisions the State as a final recourse in cases where, for one reason or another, civil suit against an injuring party is not possible.

Today, we have seen this very idea carried forth in such legislation as that which established the Unsatisfied Claim and Judgment Fund under the auspices of the Commission of Motor Vehicles. The rationale of the fund and this very proposal is the same -- that is, if an individual suffers an injury and the individual cannot gain compensation for the injury either because the would be defendant is unavailable or absolutely destitute or irresponsible or for some other similar reason, then the individual should have the right to litigate the matter against the State.

In the long run then, the State will be an insurer. It will insure its citizens against the calamity of an injury which deserves compensation but cannot produce compensation.

The philosophy of this proposal is the belief that the citizens will best respect and preserve the laws and the government which has the inclination and the ability to correct obvious injustices and restore wealth and property where wealth and property has been taken or destroyed in defiance of the law and the State. To be sure, the great (vast) majority of most such injuries will be compensable via civil suits as is the usual practice today. Private liability insurance will be required in more areas as time passes. Yet, that relatively rare time, when ordinary recourse fails for one reason or another, the State will be there to render justice to its citizen.

Constitutional Convention

DELEGATE PROPOSAL NO. 417

BY DELEGATE FINCH

October 26 , 1967.

Introduced, read the first time and referred to the Committee on
Judicial Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the highest court of the State
2 shall have appellate jurisdiction in all cases
3 under the State constitution and the Constitution
4 of the United States, and in all other cases as
5 provided by law. Said court shall be composed
6 of seven justices; five justices shall constitute
7 a quorum. The concurrence of five justices in
8 the instance of a constitutional issue, and four
9 justices in all other instances shall be nec-
10 essary for the decision of a case.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 417

By Delegate Walter G. Finch

This proposal would add a provision to the State Constitution wherein the new Supreme Court would have original jurisdiction in all cases under this constitution, such as reapportionment of the legislature, determining disability of the Governor, and other such cases as prescribed by law and appellate jurisdiction in all cases under the State Constitution and the Constitution of the United States, and in all other cases as prescribed by law.

This court would be composed of seven justices, with five of the justices constituting a quorum. It would be necessary for five justices to concur in all cases involving a constitutional issue, and four justices in all other instances for a decision of a case.

The U. S. Constitution provides in Article III, Section 2, that "The Judicial Power shall extend to all cases, in Law and Equity, arising under this Constitution, the Laws of the United States...."

It is further provided in the U. S. Constitution in Article III, Section 2, "In all other Cases....., the Supreme Court shall have appellate jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make."

The present Maryland Constitution of 1867 provides "The jurisdiction of the Court of Appeals shall be co-extensive with the limits of the State and such as now is or may hereafter be prescribed by law."

This instant proposal is similar to the one proposed in Section 6.03 of the "Model State Constitution", Sixth Edition, National Municipal League, 1963, on page 83.

In commenting on this proposal, it is stated:

"In defining the jurisdiction of the courts, it has been the aim to permit complete flexibility consonant with the protection of the unified character of the judicial system and the special constitutional status of the Supreme Court.

"The special position of the Supreme Court is recognized in that it is expressly granted appellate jurisdiction in all cases 'arising under this constitution and the Constitution of the United States,' and original jurisdiction in matters of legislative distriction and gubernatorial succession, which involve issues wherein a single and final adjudication seems best designed to meet the ends of justice without necessary delay. These special constitutional reservations of jurisdiction, both appellate and original, protect the Supreme Court against the possibility of legislative interference with the court's traditional and necessary power of judicial review. Without this special reservation of jurisdiction in constitutional cases, the legislature would be in a position to deny the Supreme Court the power to review state laws or state actions for compliance with state and federal constitutional requirements. The power of judicial review should be given express recognition in the state constitution not only because it is a traditional power of the courts but also because it is the most significant safeguard of American Constitutional Government".

Thus, if the judicial system of the state is to be complete, then the Supreme Court must be strong not only as an efficient court system with competent judicial officials, but also it must have the proper original and appellate jurisdiction to carry out its functions as a Supreme Court.

Also, by providing the original and appellate jurisdiction as indicated to the Supreme Court, this would further provide the necessary check and balance system with respect to the legislative and executive branches of government.

Constitutional Convention

DELEGATE PROPOSAL NO. 418

BY DELEGATE SINGER

October 26 , 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a provi-
2 sion restricting the General Assembly's power to impose
3 financial obligations on the counties, to read as follows:

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8 No law by the General Assembly shall require expend-
9 itures by any county until approved by the governing body
10 of the county, unless the General Assembly provides
11 sufficient funds to meet the cost of such county expend-
12 itures; provided that exception hereto may be made by law
13 uniformly applicable to all counties.

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This proposal amends Delegate Proposal No. 277.

Constitutional Convention

DELEGATE PROPOSAL NO. 419

BY DELEGATE FINCH

October 26 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the constitution include a
2 provision that the citizens of this State shall
3 continue to enjoy and freely exercise all ri-
4 parian rights of creeks, rivers, lakes, bays,
5 and the ocean to which they have heretofore
6 been entitled, including the rights of "huntery"
7 and fishery.

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No 419

By Delegate Walter G. Finch

This proposal relates to having a provision in the Constitution that the citizens of this State shall continue to enjoy and freely exercise all riparian rights of creeks, rivers, lakes, bays, and the ocean to which they have heretofore been entitled, including the rights of "huntery" and fishery. \

A unique but vital area of property law concerns the rights of those who own land which extends to the water's edge. The right of these landowners to own, possess, or use land under the water or along the water's edge is particularly crucial in Maryland, a coastal, tidewater state.

A basic proposition in Maryland has been the idea that the state owns all land under tidal water up to the high water or high tide mark. The problem arises, however, when changes in the shoreline occur, for one reason or another, and the land is either built up or eroded away.

The word riparian landowner is used to refer to one who owns land extending to the bank of a stream or to the edge of other water, such as a river, lake or ocean. Technically, the word "riparian" pertains only to the bank of a river or stream and the term "littoral" should be used when describing the rights of upland owners along the seashore and tidelands or to characterize lands bordering upon a lake or the sea but, for purposes of general description, all owners of land extending to any body of water will be hereafter referred to as "riparian" landowners.

Considering tidewater first, the riparian landowner is faced with three basic problems - accretion, decretion, and avulsion. In the case of decretion,

water comes over the land of the landowner and the land becomes submerged or wasted. In this situation, the land may be "lost" to erosion or dereliction. In either case, the riparian landowner loses title to the land overcome with water.

On the other hand, instances arise where the land along the water's edge is built up by imperceptible changes in the shoreline. This is accretion and the general common law always was that the riparian landowner acquires title to land built up by imperceptible change in the shoreline. In this instance, the state loses title. Now, the full meaning of accretion has never been settled in Maryland. That is, the Maryland Annotated Code sets forth common law principle concerning accretion but does not clarify whether it is confined to instances of strictly natural change or whether a change of title would occur when natural causes combine with artificial means to change the structure of the shoreline. This point remains unsettled in Maryland, but it is clear that natural alluvial accretion (deposit of soil) and natural reliction accretion (lowering of shoreline) does vest title in the riparian landowner.

The third type of shoreline change which affects title of the riparian landowner is avulsion, a sudden change in the shoreline resulting from a traumatic natural occurrence, such as a storm or flood. In this instance, title does not change and the status quo remains unchanged.

Now, as far as the tidewater is concerned, the riparian landowner has no claim to water below the high tide mark but he has every claim to land above that line. When the line changes, because land is built up, the riparian landowner should clearly have title to the "new land" as this counterbalances the possible loss of title he will suffer when his land is overcome or eroded away by tidal waters. This principle, founded in the common law and enunciated in The Maryland Code, should be enshrined in the constitution so that, in the future, this precious right will not be taken away

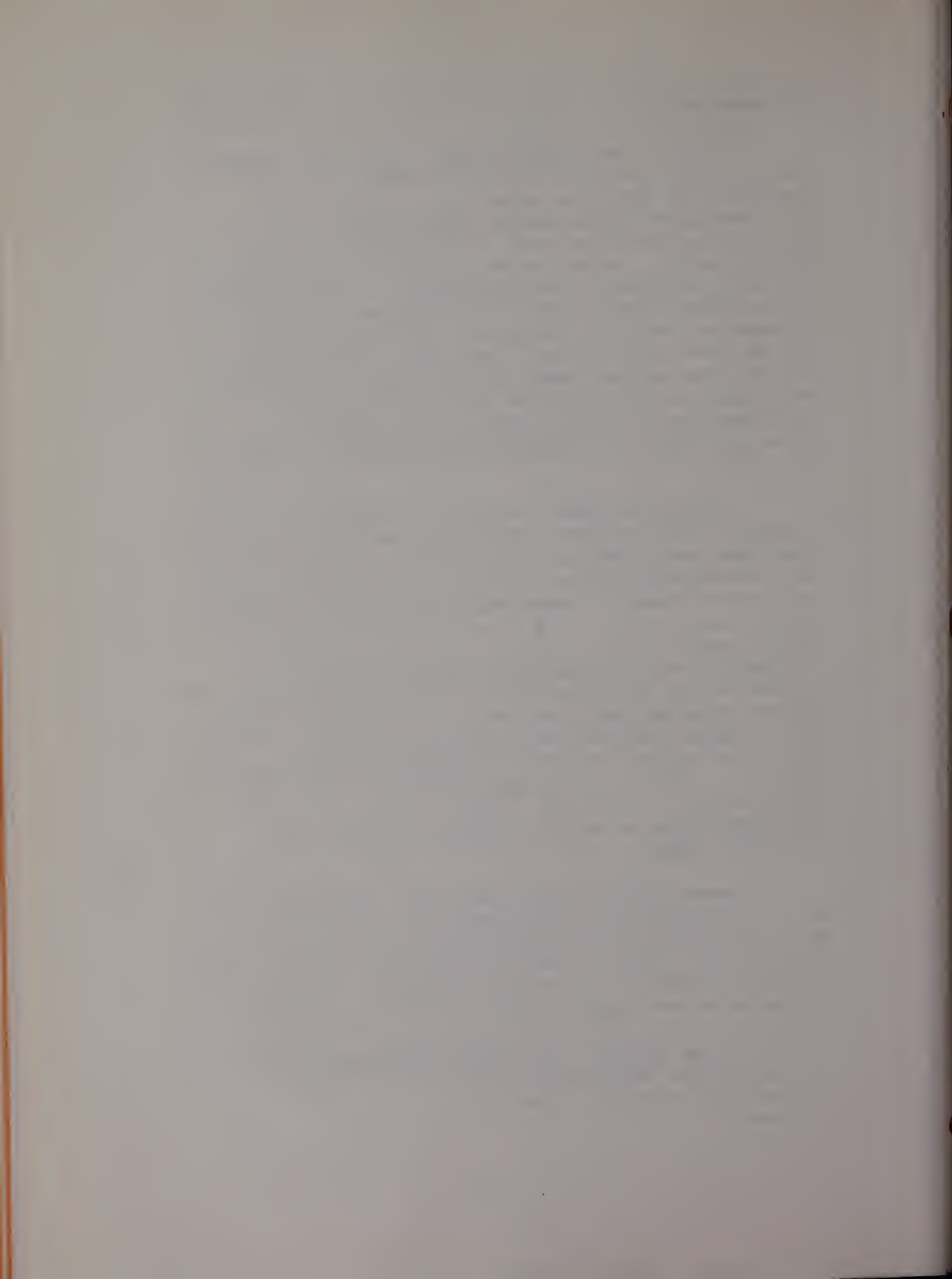
by legislation.

As to non-tidal bodies of water, the common law is, that assuming there is another riparian landowner on the other side of the body of water, then the near side riparian landowner has title to the land beneath the water to the middle of the body of water. If the river or lake is navigable in fact, the public has an easement, a use of the entire body of water which the landowner cannot terminate. These rights should also be preserved in the new constitution as they have existed for generations in the common law heritage of our state. This would be an important function of the new constitution - to enunciate for all to know, a principle which has gained acceptance in our common law.

Moving on from incidents of ownership of riparian land, this proposal includes the further idea that the rights of hunt and fishery shall be guaranteed preserved to the people of this state. There is no need to trace the right of the citizen to hunt and fish on land owned by the state or on waters owned by the state or subject to easement by the public nor to detail the role such sport has played in the enrichment of the heritage of this state. Even so, this "right" is not grafted into any tangible document and exists, rather as a matter of custom. Thus, it is regulated much as a privilege rather than a right via the police powers of the state. Licensing, quota restrictions, and off limit areas as well as gun and "season" are forms of regulation.

What this proposal endeavors to do then is to clarify the posture of hunting and fishing as a matter of right by enshrining it in the new constitution. In this way, thought the "right" can be regulated in the public interest (as it is not an absolute right), it will never be abrogated.

As we create a new constitution, we look forward to the problems of the future - naturally - but we must, as well, preserve the rich lore of our past.



C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Supplemental Amendment Accompanying Delegate Proposal No. 419

By Delegate Walter G. Finch

The proposal mentioned above and a memorandum attached thereto discussed having a provision in the new state constitution relating to riparian rights and also "Huntery" and "Fishery". It is the understanding of the writer that the subject of "Huntery" and "Fishery" were considered for inclusion in the Federal Constitution when it was drafted by our forefathers. Many states have provided a provision in their constitution relating to "Fishery" and it is felt that there should be a provision in the Maryland Constitution relating to both "Huntery" and "Fishery".

As examples of constitutional provisions which have been adopted to enunciate and perpetuate the right of "Huntery" and "Fishery", reference is made to provisions in the Constitutions of California, Vermont, Alaska, and Rhode Island. California provides that the people are to have the right to fish upon and from public lands and in waters of the state. Vermont provides that the people of the state have the liberty, at seasonable times, to hunt and fowl on lands they own or on unenclosed lands and to fish on all boatable waters, not private property, under proper regulations made by the legislature. Alaska provides that fish and wildlife occurring in a natural state are reserved to the people for common use. Rhode Island includes in its Constitution the well-worked phrase that the people are to continue to enjoy and freely exercise all rights of fishery to which they were heretofore entitled by useages of the state.

The fact that other states have felt it proper to include such provisions, highlights the need for consideration of the same in Maryland's new constitution.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 420

BY DELEGATE FINCH

October 26 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 automation of goods and services within this
3 State shall not be to the general detriment of
4 the citizenry thereof.
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9 The Legislature shall have the power to enact
10 suitable legislation to train and retrain per-
11 sons displaced by automation of goods and ser-
12 vices for the general welfare and well being of
13 the citizenry of the State and to minimize
14 the decline of the society.
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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 420

By Delegate Walter G. Finch

In this proposal, it is suggested that there be a provision in the Constitution that the legislature shall have the power to enact the necessary legislation to train and retrain persons displaced by automation, (computerizing) of goods and services for the general welfare and well-being of the citizens of this state and also to minimize the decline of our society due to the fact that in the future, the citizens of the state will have more leisure time due to such automation of goods and services

A lesson which can be extracted from the amazing scientific progress of the past fifty years is the notion that machines (computerized systems) can be invented, constructed, and equipped to carry out virtually any task that a man can perform. Nothing, it seems, is beyond the realm of scientific mechanization and computerization. The problem inherent in this realization is, of course, the dilemma the nation, the state, and various individuals face when people are displaced and replaced by machines - the trauma of uselessness, the economic drain of unemployment.

The problem is not new - it is simply expanding. Essentially, it is a problem of the future. Faced with the problem, squarely, it behooves the architects of a contemporary constitution to provide a foundation, an approach, a principle to guide the legislators of the future in this area. If the Constitution is to be the blueprint for the future, it must deal with the problems of the future.

This proposal anticipates the need for legislation designed to rescue the displaced worker from the abyss of unemployment due to use of modern computer systems for producing and distributing goods, and for performing various service tasks normally done by persons and constructed to restore him to a respectable, useful position in society. It empowers the legislature to act to avert a calamity - a catastrophe of the future, which has been spelled out so clearly in the events of the past fifty years.

Of course, the proposal is not specific. Its function is to focus on a problem - to insure that legislators of the future will not neglect a pervasive problem because of the press of more immediate affairs or because the problem itself seems too comprehensive to attack.

Maryland Union
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 421

BY DELEGATE S E. J. CLARKE, CLAGETT, JETT, and
HUTCHINSON , by request

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that all persons shall have the
2 right to form, join, or not to join labor
3 organizations for their mutual aid and protection
4 and to bargain collectively through representatives
5 of their own choosing.

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Constitutional Convention

DELEGATE PROPOSAL NO. 422

BY DELEGATE JOHN CARROLL BYRNES

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Local Government.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that an Article of the Constitu-
2 tion, dealing with Local Government shall
3 include provisions that the General Assembly
4 or the people of Maryland may alter the juris-
5 diction of either or both House of the Legis-
6 lature to respond to the need for regional
7 services and planning on a statewide level,
8 to read as follows:

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Article _____

The General Assembly or the people of
Maryland may alter the jurisdiction and ses-
sions of either or both Houses of the General
Assembly in accordance with the following
provisions:

1. For the purposes of this Article,
the Regions herein referred to shall incorporate
the following political subdivisions:

a. Baltimore Region - Anne Arundel,
Harford, Howard, Baltimore and
Carroll Counties and Baltimore
City.

b. Potomac Region - Montgomery, Prince
George's, Calvert, Charles and St.
Mary's Counties.

- 1 c. South Chesapeake Region - Talbot,
2 Dorchester, Wicomico,
3 Somerset, Worcester Counties.
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5 d. North Chesapeake Region - Cecil, Kent,
6 Queen Anne's, and Caroline
7 Counties.
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9 e. Western Region - Garrett, Allegany,
10 Washington, and Frederick
11 Counties.
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13 2. The term "regional welfare" shall in-
14 clude only: Transportation and road systems,
15 public health, safety and welfare programs, land
16 use and assessments, civil defense, wastage and
17 refuse systems, disaster planning, public housing,
18 urban development and redevelopment, air and water
19 pollution, preservation and distribution of
20 natural resources, as these or any of them affect
21 the citizens of all of the political subdivisions
22 included within any one or more of said regions.
23

24 3. A majority of all registered voters
25 of the state or 2/3 of the membership of
26 each House of the General Assembly may decide
27 that the Senate shall be thereafter responsible
28 for the enactment of all laws concerned with
29 the regional welfare of the people in the
30 regions defined in Section 1 of this Article.
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32 4. The determination referred to in
33 Section 3 of this Article having been made,
34 the Senate in its exercise of the regional
35 authority hereinbefore conferred:
36

37 a. shall enact only laws applicable
38 to an entire region or regions,
39 which laws shall not be reviewed
40 by the House of Delegates but must
41 be approved by the Governor;
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43 b. may decide to meet in continuous
44 annual sessions with such reasonable
45 recesses and compensation as it
46 may deem necessary;
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48 c. shall require that such funds
49 as may be necessary to implement
50 its legislation be provided from

the general revenues of the political subdivisions within the region affected by the legislation according to an equitable formula of contribution which takes into account the direct benefit and cost of the enactment in each such political subdivision;

d. may prohibit all elected and appointed public officials of all the political subdivisions within the affected region from authorizing any action in conflict with any enactment by it for the regional welfare of the people;

e. may be authorized by a 3/5 vote of each House of the General Assembly to concern itself exclusively with the regional welfare of the state in which event the legislative power of the state shall be thereafter vested in the House of Delegates, which shall be governed by Article III of this Constitution;

f. may reapportion itself, subject to the reapportionment procedures stipulated by this Constitution, in such a manner that the election districts reflect the regional character of its jurisdiction without regard for the boundaries of the political subdivisions within the regions but with due regard for equitable apportionment of representation as guaranteed by the Fourteenth Amendment to the Constitution of the United States. No region shall have less than three Senators;

g. may provide by law for complete or partial consolidation of the departments, agencies, commissions or other administrative authorities of political subdivisions within a region affected by a law whenever such departments, agencies, commissions or other administrative authorities are charged with partial or complete responsibility for the subject matter of any law it shall pass and make such consolidated authority responsible to it or such regional authority as it may by law create.

h. shall submit for approval any proposed enactment to the elected legislative and executive officials of all the political counties comprising the region affected by such proposed enactment, provided that any such county not consenting to or rejecting the proposed enactment within a minimum period of six months from the date of submission shall be deemed to have consented thereto and if more than two of the counties reject such proposed enactment, the Senate may nevertheless enact it by a three-fifths majority of its members.

5. Whenever the Senate shall have decided both to assume jurisdiction for the regional welfare of this state as its sole function and to meet in continuous session for a period longer than six months annually, the House of Delegates may decide to meet in continuous sessions with such reasonable recesses and compensation as it may deem necessary.

6. To the extent of any inconsistency, the provisions of this Article shall prevail over the provisions of Article III, dealing with the Legislative Branch, and Article VII, dealing with Local Government, which articles shall be applicable to both Houses of the General Assembly whether or not either or both Houses have acted pursuant to the authority granted them by this Article.

7. If the Senate assumes the regional jurisdiction permitted it by this Article, the House of Delegates may not pass any law for the general welfare of the people of this state which involves their regional welfare unless such law shall apply by its terms and effects to all of the regions of this state.

8. Once the Senate has assumed some or all of the regional jurisdiction permitted by this Article it shall not relinquish said jurisdiction without the consent of a majority of the qualified voters of the state voting on the question: but the extent and manner of its assumption and exercise of said jurisdiction shall be as it deems necessary.

9. The Senators elected from the regions
of this state may constitute themselves a Regional
Council for their respective regions and may by
law provide for such additional members of the
Council as deemed necessary. Such Regional
Council shall have the responsibilities provided
by law except that it shall have no authority
to enact any law or impose any tax.

MEMORANDUM TO ACCOMPANY DELEGATE PROPOSAL 422

BY DELEGATE JOHN CARROLL BYRNES

The purpose of this proposal is to suggest an alternative approach to regional problem solving in Maryland and suggest a new role for the Senate. Eighty per cent of Maryland's population is concentrated in the metropolitan areas of the state. By 1980 the population of the state will be 5.3 million, 2.5 million will be living in the Baltimore area and 1.4 million in the Washington metropolitan area. The cost of government is staggering. The critical question today is the discovery of a formula which will:

1. provide a politically feasible means for regional planning and metropolitan coordination and consolidation at the state level;
2. avoid, to the extent possible, the imposition of an additional taxing power and level of government further from the control of the people;
3. create a legislative authority with a regional character and emphasis.

It must be admitted at the outset, that the basic defect of this approach lies in the potential conflict between the respective jurisdictions of the Senate acting in its capacity as "regional legislature" and the House acting as the unicameral legislative body or with the Senate in a bicameral structure in the normal areas of state legislative concern.

Much like the dispute between state power in local areas and local power in local areas, there is no single solution. All that can be done is to specify in constitutional generalities the areas of responsibility and expect practice and case law to clarify.

SUMMARY OF PROPOSAL

The proposal is an attempt to insert in the constitution, in addition to the provisions such as those

suggested by the Commission, a provision permitting the Senate to become, in effect, a legislature for the four regions defined. Once having done so, it may act as a unicameral legislature for the regions as regions. Maryland's small size and population concentrations argue to placing regional problem-solving power immediately at the state level rather than creating new regional governments.

The Senate may continue to act as part of the bicameral legislative structure of the state concerned with the matters normally of interest to a state legislature, or it may assume the exclusive role of regional legislature leaving the House of Delegates as a unicameral legislature for the state.

The Senate would be empowered to require the political subdivision to contribute to the financing of a regional project, thus eliminating the need for an additional tax authority. Since the funds for certain local programs could be diverted to the regional level, it follows that the local administrative capabilities for these local programs should also be diverted by permitting the Senate to order a consolidation of them to accomplish the economics of scale which are a consequence of regional planning.

This proposal appears far-reaching only because our points of reference do not correspond with developmental reality. It is advisable to take this additional step now along with granting the legislature power to spawn a welter of expensive, complex and confusing relationships, commissions, authorities, contractual arrangements and the like.

COMMENTS ON SECTIONS

Section 1. The regions reflect the growth patterns in the state, contiguity and tradition.

Section 2. The adjustment should not be made easily.

Section 3. It is necessary to stipulate the areas of responsibility; but leave specific interpretation to practice and experience. Categories may be enlarged or reduced by constitutional amendment. Those suggested in the proposal represent the areas most in need of regional treatment.

Section 4. (a) This permits the Senate to become a unicameral legislature for regional affairs and the Governor to become a limited chief executive of the regions insofar as specific legislation might affect them.

(b) Asserting its maximum jurisdiction, the Senate, particularly if it elects to meet concurrently with the House of Delegates on regular statewide matters, will deserve higher salaries and more time.

(c) To avoid the creation of an additional taxing authority and tax, this subsection permits the Senate to collect, as an example, for a regional water distribution system what a subdivision in the region might have or should be expected to disburse for its own water distribution system. A permanent constitutional formula for equitable contribution would be difficult to draft.

(d) As a necessary corollary to its regional powers, the Senate must be in a position to prohibit local efforts which might tend to frustrate the efficiency of a regional solution. The restriction would confine local authorities only with regard to specific regional enactments.

(e) This subsection suggests the ultimate in this transformation - the Senate becoming exclusively a regional unicameral legislature, and the House of Delegates becoming a state unicameral legislature.

(f) To make its regional character more meaningful to the people of the region, the Senate should be able to reapportion itself on a regional basis rather than remaining confined to county-city districts.

(g) The purpose of any regional plan is to recognize the true character: sociologically, economically, and politically, of an area and by approaching regional problems on a regional level accomplish efficiencies of planning, implementation, material and personnel, thus reducing the overall cost of government, increasing its efficiency and effectiveness and receiving a higher degree of confidence from the citizenry. It should be noted that local and state governments nationwide expended eighty-one billion dollars and experienced a 38% increase in debt, and 138% increase in revenues during the period 1955-1965.

The subsection permits the Senate to consolidate to the extent necessary all local administrative authorities charged with the local responsibility for what the Senate has made a regional one (for example, Sanitation Departments). Complete merger is unnecessary and unlikely since many will still have a local function. But to make clear the Senate's authority to use them for regional purposes, the power to consolidate is granted.

(h) The greatest single disadvantage of the usual regional plans which involve large land masses and number of citizens is that it increases the distance between citizen and government. Under this plan, the Senators are elected from relatively small districts and, generally speaking, are as close to the constituents as county or city councilmen.

The local political subdivisions and governmental structures are retained and are given a meaningful role in the legislative process leading to regional treatment of a problem involving their particular jurisdiction.

Of course, if the Senate's regional power is to be more than pretense, a decision as to ultimate authority must be made. It is much more likely than not that there will be close collaboration between elected and administrative local officials and the Senate. The real obstacle today to achieving coherence in regional development is that voluntary efforts simply don't have the ingredient so essential to progress-authority. That is to say even if the regional buck gets started at all it doesn't stop anywhere.

Section 5. If the burden of legislating on all statewide matters falls to the House, it should be permitted to enlarge its compensation and sessions.

Section 6. This is a simple and perhaps unsatisfactory way of applying the local government and legislative branch constitutional provisions which retain their utility despite the abrupt change in structure and jurisdiction of the legislature permitted by this Article.

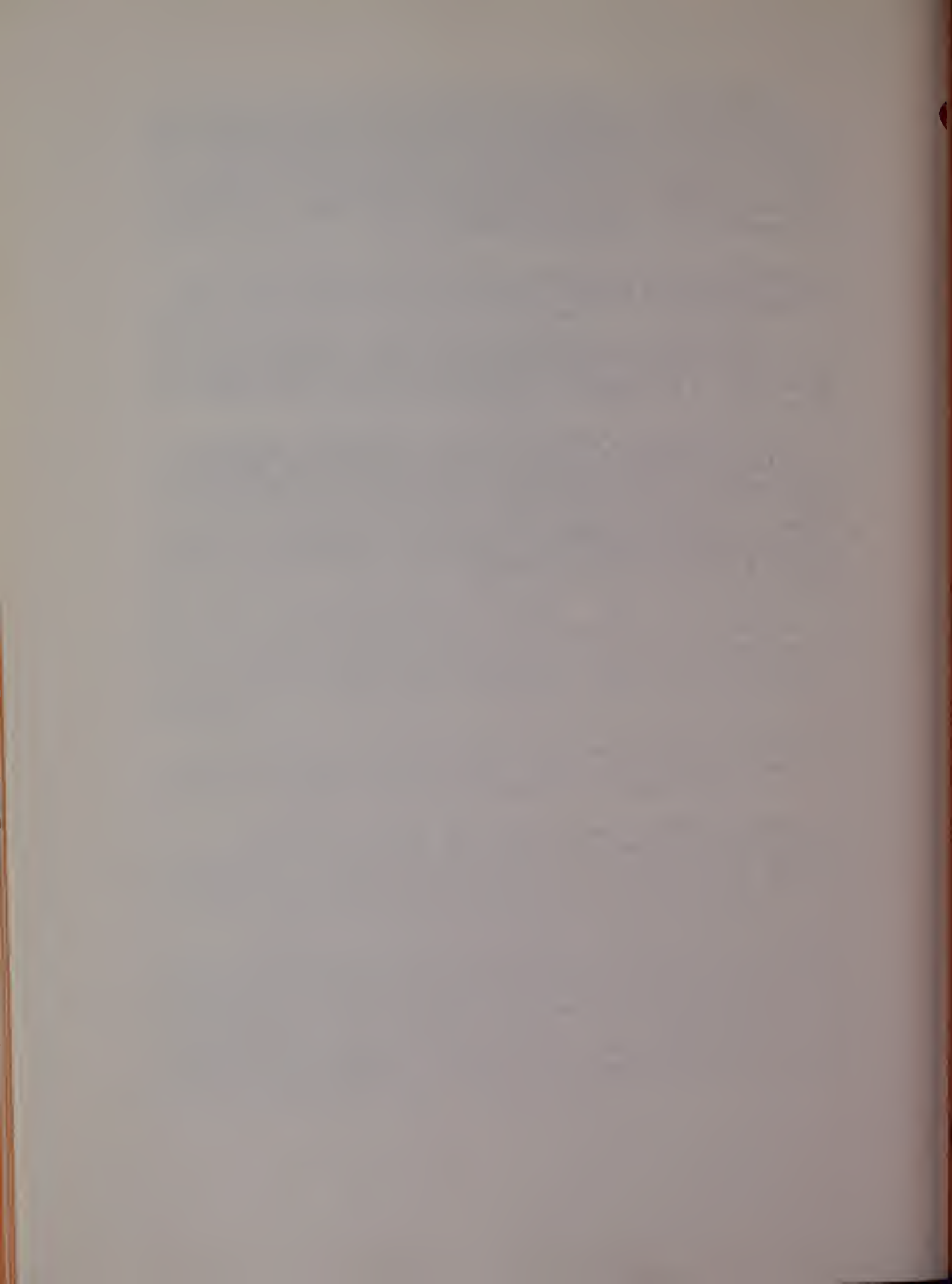
Section 7. This is a simple statement of a very complex, troublesome and potentially divisive relationship between the two houses when the Senate is exclusively responsible for the regional welfare and the House is responsible for the general welfare. Like the very similar problem posed today in the area of local legislation, judicial construction, practice and statutory arrangements must further define this relationship.

Section 8. Once the Senate embarks on this course, it should not be permitted to easily turn back because its turning wake could seriously disrupt settled regional growth. To give the Senate the widest latitude as it might cautiously move into regional problems, the last section of this Article grants broad freedom of legislative response to regional problems.

This Article might be the proper subject of a special question in the election for or against the new Constitution.

It should be emphasized that this Article is not self executing and its inclusion in the Constitution would have a stimulating effect even if not made operative within the next few decades.

It should be noted that this "package" approach is followed because of the uncertainty over the structure and powers of the legislature which will be approved by this convention and some uncertainty over whether the "class of counties" approach will be sufficient to permit the legislature to act as a "regional legislature", which is the essence of this proposal.



Constitutional Convention

DELEGATE PROPOSITION NO. 423

BY DELEGATE BENNETT

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 1.03 of Article I
2 of the Constitution, dealing with the Declara-
3 tion of Rights, shall include a provision to
4 guarantee the free exercise of religion, to
5 read as follows:

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7 No law shall be enacted respecting an
8 establishment of religion, or prohibiting the
9 free exercise thereof or in aid of any church,
10 religious denomination or wholly sectarian
11 institution.

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Maryland House

City of New South Wales

Green Park, Md.

THE HOUSE OF REPRESENTATIVES
OF THE STATE OF MARYLAND
IN SENATE
JANUARY 1881

REPORT
OF THE
COMMISSIONERS OF THE
LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE HOUSE OF REPRESENTATIVES
MARCH 1880

ALBANY:
J. B. LIPPINCOTT & CO. PRINTERS
1881

1881

Constitutional Convention

DELEGATE PROPOSAL NO. 424

BY DELEGATE BENNETT

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Bill of Rights of the
2 Constitution contain a provision concerning
3 the right to work that shall read as follows:
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5 All persons shall have the right to form or
6 join labor organizations for their mutual aid
7 and protection; to bargain collectively in
8 good faith and in conformity with the public
9 interest.

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University of Maryland System
Department of Geological Sciences
College Park, Md.

Geological Survey of Maryland

Report of the Survey for the Year 1900

1901

Published by the State of Maryland
Department of Geological Sciences
College Park, Md.

Printed and Bound by
The Maryland State Printer
Annapolis, Md.

For Sale by the State of Maryland
Department of Geological Sciences
College Park, Md.

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Constitutional Convention

DELEGATE PROPOSAL NO. 425

BY DELEGATE L. TAYLOR

October 30 , 1967

Introduced, read the first time and referred to the Committee on
Legislative Branch

By order, IRA J WAGONHEIM, Chief Clerk

TITLE

1 A PROPOSAL that the legislature shall be em-
2 powered to enact laws providing protection from
3 loss of income or employment, and matters
4 generally relating thereto, to read as follows:

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7 To promote the general welfare of the State
8 and to meet the needs of future technological,
9 social, economic, and other problems, the Gen-
10 eral Assembly shall have the power to enact
11 laws providing protection to all residents from
12 loss of income or employment caused by automa-
13 tion or other factors, by the means of an
14 annual minimum income based on standards of
15 decency and health for residents in need, in-
16 cluding the underemployed and unemployed, job
17 training, creation of jobs, and other appro-
18 priate methods or systems.

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Constitutional Convention

DELEGATE PROPOSAL NO. 426

BY DELEGATE FORNOS

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Local Government

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 municipal and councilmanic election districts must
3 be based on equal population as nearly as practic-
4 able.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 426

By Delegate Werner H. Fornos

The right of a citizen to vote--and to have his vote count as equal in effect to every other vote--is, in my view, a basic right of citizenship.

For the past several years the question of reapportionment has almost invariably been referred to as "the one-man-one-vote" controversy.

What I do not understand is how it came to be a "controversy". There are only two alternatives to one-man-one-vote. One is one-man-no-vote, which would imply that some of our citizens are to be disenfranchised. The other is one-man-many-votes, which plainly proposes that some votes should weigh more heavily than others, as was the case, of course, prior to the recent court-ordered reapportionment.

Is there anyone in this State, at this time, who is seriously prepared to argue for disenfranchisement of a portion of our electorate? Or for the imbalanced district system under which, by accidents of geography, some voters were given representation in excess of what their numbers entitled them to, and others less?

To ask these questions is to answer them. When I go to the polls, I would not wish my vote to count for any more than the vote of any other voter participating in the election, and I would be intensely resentful if my vote were given less effect than his. And I am not unique in holding this position. It is, and has been for many years, the position of all the people of Maryland, except for those few who frankly doubt the validity of the democratic process and oppose its continuance.

No. The courts have held that anything less than one-man-one-vote denies to some citizens the equal protection of the law. And the courts were right, and the position was right before the courts took it.

Accordingly, I have no doubt that the Constitution, when submitted, will provide for a legislature in which all the people will be equally and equitably represented, and will provide for periodic reapportionment to guarantee that this will always be so.

Astoundingly, the one-man-one-vote controversy has recently moved on into a new battlefield. The courts, which recently held that to diminish the effect of a man's vote in a state legislative election is to disenfranchise him in part, and therefore to deprive him of equal protection of the laws, are now being asked whether this same ruling applies at lower levels of government. May municipalities and counties so arrange their legislative districts that some voters are underrepresented and some overrepresented?

Legally, the answer, I suggest, is quite simple. Counties and municipalities are creatures of the state, and are endowed by the State with whatever rights they may possess. There is no way by which that State could transfer to one of its creatures a right which it--the State--did not possess, and the right to deny citizens equal protection of the laws in this way is a right which the State never had.

But there is always a question of morality here. Morally, I suggest, those who seek to deny their fellow citizens the equal protection of the law simply because the courts have not yet ruled on whether the denial is permissible at a certain level of government, reflect little credit upon themselves or upon the state.

The issue is simple when citizens vote, their votes must be given equal votes, and thus applies at every level of government, and I am hopeful that the new Constitution will make this clear beyond any need for further adjudication.

Constitutional Convention

DELEGATE PROPOSAL NO. 427

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 no restrictions shall be placed on any citizen
3 who desires to be admitted to, and practice a
4 plurality of professions.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 427

By Delegate Walter G. Finch

This proposal urges that the Constitution have a provision therein that no restrictions shall be placed on any citizen who desires to be admitted to, and practice a plurality of professions.

Although this proposal is directed to the current controversy now going on in this State between members of the legal profession and members of the accounting profession, the principle could equally apply to others who practice the dual professions, for example, a person who has been admitted to practice medicine and who has also been admitted to practice law, thus combining the two professions.

A leading article on this subject is entitled "Dueling Over the Dual Practice" by Henry G. Burke which appeared in the Maryland Law Review, Spring, 1967, pages 142 to 153.

One of the greatest rights which a man can enjoy is the right to earn a living in accordance with his ability. This is, perhaps, an unarticulated right, in the Constitutional sense, but it permeates our way of life.

Now, it is the accepted practice that the State controls entrance into the practice of most professions. The theory behind this practice, generally stated, is the idea that the State is charged with safeguarding public health and general public welfare and that, since most professions are directly related or concerned with public health or welfare, the State may use the licensing medium to control the practice of a profession, which is really the exercise of a privilege granted to the individual by the State.

Thus, the State does establish regulations, standards for entrance into a profession. Theoretically, these standards should have a direct relation to public welfare. The purpose of this proposal is to insure that an individual is not restricted or restrained by the State or any other body from practicing one profession merely because he currently practices another profession that a man who can master the basic requirements of a particular profession will not be denied merely because he belongs to another profession.

As we might all acknowledge, some men are more able to master more areas than most men, either because they are blessed with more intelligence or are more scholarly or more persistent or both. These men should not be penalized by any artificial restrictions designed to limit competition with a certain field.

It is the responsibility of this Convention to see that the right to earn a living in accordance with one's ability is preserved and protected from later possible erosion.

Constitutional Convention

DELEGATE PROPOSAL NO. 428

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision incorporating all amendments of the
3 United States Constitution concerned with
4 personal rights.

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THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

1776-1863

BY HENRY REEVE

THE HISTORY OF THE UNITED STATES

OF THE UNITED STATES OF AMERICA

1776-1863

BY HENRY REEVE

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Proposal No. 428

By Delegate Walter G. Finch

Maryland Room
University of Maryland Library
College Park, Md

This proposal calls for the new State Constitution to include a provision incorporating all amendments of the United States Constitution concerned with personal rights.

A leading article on this is entitled "Contemporary Winds and Currents in Criminal Law, with Special Reference to Constitutional Criminal Procedure: a Defense and Appreciation" by Sanford Jay Rosen in the Maryland Law Review, spring 1967 volume XXVII pages 103-130.

All of the amendments of the Federal Constitution pertaining to personal rights, now incumbent upon the Federal Government, should be applicable to the State Government as well. This is the aim of this proposal. In part, this aim has been accomplished by decisions of the Supreme Court interpreting the fourteenth amendment "due process" clause as requiring the State Governments to adhere to various of the amendments, particularly those amendments which illustrate principles "Implicit in the concept of ordered liberty" (Palko v. Connecticut, 320 U. S. 319 (1937)) and "Those fundamental principles of liberty and justice that lie at the base of our civil and political institutions". (id. at 328)

Yet, even while the Supreme Court is moving toward the idea enunciated in this proposal, the members of this Convention should not rely on the highest Court to bring about the full effects of this proposal. In the first place, the decisions of the Supreme Court will not guarantee anything to the citizens of Maryland as to actions taken by the State Government insofar as the future is concerned. Supreme Court decisions, many of them achieved by the narrowest possible margin (5-4), are subject to reversal by the very Court which rendered them a death among the members of the Court, a resignation, a change in attitude by one justice - any of these happenings would result in a change of composition of the Court and a new face on the Court could conceivably alter the current trend of the Court toward establishing basic rights for the citizen in relation to his State Government.

Secondly, the Convention should not rely on the Supreme Court to carry out this proposal because the Court itself has not shown the inclination to incorporate all of the amendments into the "due process" clause of the fourteenth amendment, thus making all of the amendments operative upon State Governments. Various justices, particularly Mr. Justice Black, have championed the view that the purpose of the fourteenth amendment was to incorporate and impose upon the states the first eight amendments in toto. (Adamson v. California 332 U.S. 46 (1947) Black, J. dissenting). However, this view has not, as of yet, gained the support of a majority of the Court at any particular time as to any single decision. Rather, the approach to this area that the Court seems to favor, as witnessed by recent decisions (See Pointer v. Texas, 380 U.S. 400, 410 (1965) Goldberg, J. concurring), is the "absorption" theory, as articulated primarily by Justice Brennan but supported eloquently by Chief Justice Warren and former Justice Goldberg. (See Pointer v. Texas, 380 U.S. 400, 410 (1965) Goldberg, J. concurring). Under the prevalent view, it is the task of the Court to include those rights arising out of the first eight amendments in the "due process clause" if the Court itself is of the opinion that the right is substantial or vital. If the Court does not feel that a right guaranteed by one of the amendments is vital, it does not incorporate it into the "due process" clause.

With this in mind, it would behoove this Convention to insure that the rights contained in the first eight amendments, rights thought by the founding fathers to be basic enough to preserve as against the Federal Government, and any further rights arising out of any future amendments added to the Federal Constitution pertaining to the Federal Government, be guaranteed to the people of this State as against the State Government. The Supreme Court will not, in all likelihood, accomplish this but the Convention, here constituted, may.

Now, perhaps this writer has been presupposing one of the key propositions of this proposal. Having pointed out the implausibility of waiting for the Judiciary to guarantee citizens the personal rights set forth in the first eight amendments as against the State Government, one cannot neglect to content for the advisability, perhaps necessity, of guaranteeing all of these rights to citizens as they face the power of the State Government.

It would be too lengthy to attempt, at this point, to argue the value of each of the rights granted to the people in the first eight amendments. Such

argument fills many volumes and is the subject of countless Law Review Articles. Likewise, it would be an arduous task to catalog here exactly which of these rights have been incorporated into the fourteenth amendment by the Supreme Court and which have gone unexplored or have been bypassed by the Court. Each of the first eight amendments without exception, encompasses basic guarantees from the oft discussed right of free speech down the continuum of public attention to the less heralded but equally basic guarantee of jury trials in all civil cases involving more than twenty dollars.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 429

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 striking by public educators and persons con-
3 nected with public safety and law enforcement
4 shall be prohibited.

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University of Maryland Libraries

College Park, Maryland

Woodward Room
University of Maryland Libraries
College Park, Md.

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 429

By Delegate Walter G. Finch

Submitted by
Walter G. Finch
College Park, Md.

This proposal is directed to having a provision in the new State Constitution that public educators and persons connected with public safety and law enforcement shall be prohibited from striking.

The strike is a tool used by working people to extract benefits from their employers. It entails a work stoppage, during which time it is the usual practice for employees and employers to confer and arbitrate as to the differences causing the strike. Through the medium of the strike, workers may take advantage of the economic power they hold as a collective unit to pressure the employer into granting them a "larger share of the pie."

A strike accomplishes many things or it accomplishes nothing. The only sure thing is that a strike disrupts the economy generally and, unless a product is stockpiled, results in a shortage or stoppage of the service or product connected with the strike.

It is the position of this proposal that there are certain areas of public service that must function continuously, without interruption, if the welfare of the public is to be preserved. It is the position of this proposal, further, that persons engaged in these areas as professional educators or law enforcement officers must sacrifice this one weapon - the strike - for the good of the general public.

Education and law enforcement are unique services in that they are absolutely indispensable and that they must be constantly administered if they are to fulfill their purposes. The point is simply stated - as a state, a collection of people living under a mutual, representative governmental system, we cannot long survive without education for our children and effective law enforcement for all of us.

Certainly, we cannot force persons to be teachers or policemen nor coerce them into remaining in these professions once they have joined them - we can only offer them various inducements to this end. What we can do and should do however, is establish a guiding principle for the practice of these professions, - enshrine it in the Constitution - the concept that those who wish to be educators or law enforcement officers must expect to work without striking and must rely on the many other bargaining tools available to them to gain added benefits from their employers. Thus, future teachers and officers of the law

will be advised of their acknowledged public duty,
their unique position of public trust and will be
aware, pridefully one might hope, that there calling
is so vital and so indispensable that they cannot
be permitted to invoke the usual means of bargaining
the strike.

Received from
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 430

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 no law enforcement officer shall be advanced
3 to a command position until said officer ac-
4 quires an associate of arts degree. -

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THE HISTORY OF THE CITY OF BOSTON

BY
JOSEPH R. COOK

VOLUME I

THE CITY OF BOSTON
FROM THE FIRST SETTLERS
TO THE PRESENT TIME

THE CITY OF BOSTON
FROM THE FIRST SETTLERS
TO THE PRESENT TIME

CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 430

By Delegate Walter G. Finch

This proposal relates to having a provision in the Constitution which would provide that no law enforcement officer shall be advanced to a command position until the officer has acquired at least an Associate of Arts degree.

It is to be noted that recently, the Police Department of Baltimore City has implemented a program wherein any police officer who has obtained a certain standard of college education, including a college degree, would be entitled to be promoted to the rank of "master patrolman" in the police forces of Baltimore City. Thus, it is now being emphasized that education for police officers is essential for promotion in the Police Department of Baltimore City.

This proposal underscores the value of education. Promotion within the ranks of the Police Department to a position of command is based upon merit, efficiency, and fitness, to be sure. It is the position of this proposal that a further qualification for promotion to a command position should be the acquisition of an Associate of Arts degree. The hypothesis is that if one has the other qualifications for promotion to command, then he should be able to obtain the degree, which is not overly difficult to obtain, but, which is invaluable to have.

The law enforcement officer who commands is, of course, a leader charged with significant public duties. The fact that one may have a great deal of practical, on the job experience is not to be overlooked but it is no guarantee that the man's social awareness is as astute as it should be. A leadership position, where one commands, involves more than mere technical precision; it demands the ability to plan, to see the many factors involved in a decision, to appreciate strategy. In short, it demands that one be able to comprehend the "big picture".

With this in mind, the value of education, in this situation, becomes clearer. That is, education exposes a man to a great cross section of ideas and thereby broadens his outlook. In this way, education opens a whole new realm of experience for a man - the realm of ideas.

Now, law enforcement is a demanding profession from any point of view. It is not the intention of this proposal to place a further, needless demand on those who make police work a lifetime endeavor. Rather, it is the intention of the proposal that a man not be placed in a command position until he has the proper, completed background. To allow otherwise would be grossly unfair to the man himself and to the public. In this light, the imposition of an educational requirement is not an obstacle to advancement; it is an invitation to a success in the profession and a better way of life.

The purpose of putting the educational requirement in the new Constitution instead of leaving it for later legislative development is to establish it as a standard which cannot be diluted or torn away - the very least which will be acceptable in the society of the future.

As a people, we know the value of education. It is not what a man remembers from his individual books or classes that is important, it is the exposure to great channels of thought that has its effect upon him, helping to produce what is, we hope, a civilized man. A man in a sensitive area such as law enforcement must have a high measure of civilized values if he is to function effectively for the community.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 431

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 no person not legally designated as a profess-
3 ional person shall be deprived of any non-pro-
4 fessional employment through compulsory assoc-
5 iation with, or membership in, any social,
6 political, economical, fraternal, trade, or
7 union organization.

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THE LITHOGRAPH BY J. C. LEARY

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompany Delegate Proposal No. 431

By Delegate Walter G. Finch

This proposal would require that the Constitution have a provision therein that no person not legally designated as a professional person shall be deprived of any non-professional employment through compulsory association with, or membership in, and social, political, economical, fraternal, trade, or union organization.

This proposal intends to insure that a man will not have to give up his right to work at some non-professional level merely because his is, in the meantime, engaged in some other non-professional employment as a means of making a living.

In some instances, when dealing with an individual who aspires to practice a professional calling which demands a most high degree of expertise and which has to do directly with the health or financial well being of the public, it is conceivable and permissible for the State to require or allow private professional societies to require that the professional person restrict his work efforts to the one area of practice. It is further conceivable that the professional person be required to join a valid, recognized professional society which will insure the maintenance of high professional standards and, along with this, restrict his practice or work to a single area of expertise.

Professional fields are crucial areas which vitally, regularly, directly affect the welfare of the great mass of the people and they are areas which require vast knowledge and perhaps more than a lifetime of experience to master. With this in mind, it behooves the State, which allows a person to practice a profession by granting him a privilege, a license, to safeguard the public by seeing that a man master one field and not enter into three or four areas, each of which require a lifetime of experience to be mastered thoroughly.

On the other hand, it is suggested here that there is no valid reason for permitting a non-professional person to be restricted to working in one field by requiring him to join an association or union which will so limit him. The only reason that could be put forth is that the bargaining position of the association or union, as well as its control over its members, will be strengthened. This is not a valid reason.

The non-professional working man is already "strapped" today by taxes and inflation. This is not to say that he does not benefit from tax money expenditures; but, because he cannot earn a great deal of money in a non-professional area, he is "hit" particularly hard by revenue measures. To place another restriction on his earning power by, in effect, preventing him from holding two jobs would be unnecessarily cruel and

inational expecially in view of the fact that the restriction would be highly artificial.

The non-professional man's right to work must not be hindered or cut away by legislation which would require him to join an association which could require him to work only in one "field". Only a Constitutional guarantee can adequately and finally protect one of the truly great rights, the right to work.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 432

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 the State shall exercise police power over
3 corporations, associations, partnerships and
4 individuals.

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THE HISTORY OF THE CITY OF BOSTON

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME

BY NATHANIEL BENTLEY

IN TWO VOLUMES.

VOLUME I.
FROM THE FIRST SETTLEMENT
TO THE YEAR 1700.
CONTAINING
A HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE YEAR 1700.

THE HISTORY OF THE
CITY OF BOSTON
FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME
BY NATHANIEL BENTLEY
IN TWO VOLUMES.

CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 432

By Delegate Walter G. Finch

This proposal urges that the Constitution contain a provision that the State shall exercise police power over corporation, associations, partnerships and individuals.

It is clear beyond need for further elaboration that the State is invested with police power over the various individuals that comprise the population of the State. The reasons that compel such a clear conclusion in the case of police power over individuals are no less compelling when police power over business entities is considered.

The State must exercise the police power if it is to enforce law and order within the State. Without enforcement, there would be no assurance of law or order. There would be chaos and calamity as each man sought to further his own interests without regard for laws which would regulate his activity in the public interest.

Today, associations, partnerships, and corporations control and exercise more economic and political power than do various individuals. These business entities affect the daily life of every man in the State in one way or another as they strive to sell their products or services and obtain a margin of profit for their "owners".

The idea behind this proposal is the thought that business entities should not escape the effect of the police power of the State merely because these "persons" (in a legal sense) have no tangible body which can be incarcerated or merely because they do not drive cars or cross streets or do the other more obvious things that we tend to think of as "controllable" by the State.

Firstly, business entities can be effectively policed by the State because sanctions, other than incarceration, can be imposed which will create an impression upon the institution itself. Secondly, business entities must be "policed" or regulated by the State because of the vast power they hold and their tendency, if unchecked, to use that vast power to advance their own interests without proper regard for the welfare of the general public.

The forming of an association, partnership, or corporation is not a right - it is a privilege granted under certain conditions by the State. By the same token, the affairs of such business entities are not unassailable activities, they are activities which touch and concern the welfare of every citizen in the State as directly and as significantly as does any activity in which an individual might indulge.

This proposal would establish for our new society under a new Constitution, the tenet that the laissez-faire approach to business power is not to be tolerated at any time in the future and that the general welfare of the public, as it is affected by the vast power of collective business entities, is to be protected via the auspices of the police power of the State.

Constitutional Convention

DELEGATE PROPOSAL NO. 433

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 no public official shall receive anything of
3 value of any nature (including but not limited
4 to compensation, fee, office, personal advanta-
5 ges or promises), to lobby or exercise any in-
6 fluence with reference to any action to be taken
7 on any proposed legislation.

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THE UNIVERSITY OF CHICAGO

THE DIVISION OF THE PHYSICAL SCIENCES

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DIVISION OF THE PHYSICAL SCIENCES
CHICAGO, ILL., U.S.A.

THE UNIVERSITY OF CHICAGO PRESS, 54 EAST LAKE STREET, CHICAGO, ILL., U.S.A.

THE UNIVERSITY OF CHICAGO PRESS, 10 SOUTH BRIDGE STREET, CAMBRIDGE, MASS., U.S.A.

1955

THE UNIVERSITY OF CHICAGO PRESS, 10 SOUTH BRIDGE STREET, CAMBRIDGE, MASS., U.S.A.

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Constitutional Convention

DELEGATE PROPOSAL NO. 434

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 the police power of the State shall not be
3 used to permit any corporation, association, or
4 organization to infringe the equal rights of
5 citizens of the State.
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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 434

By Delegate Walter G. Finch

This proposal relates to having a provision in the Constitution that the police power of the State shall not be used to permit any corporation, association, or organization to infringe the equal rights of citizens of the State. This proposal should be considered in conjunction with Delegate Proposals No. 410 and 432.

The police power of the State is, potentially, a two edged sword. On the one hand, it may be used to protect and promote public welfare; on the other hand, it could conceivably be used to permit, in effect, one segment of our people to gain a measure of control over other citizens of our society. This proposal points out a particular instance wherein the use of the police power would be particularly onerous and provides that such a usage shall never be tolerated.

Business entities, such as corporations, associations, or other organizations, establish basic policies as routines in the conduct of their business affairs. These policies, one might imagine, are designed to advance the economic interests of the business entities themselves or, perhaps, are set forth by individuals with much power within the business entity who wish to impose their social views on their fellow citizens.

Now, it has been likewise established that all citizens have the inalienable right to certain guarantees set forth in the Federal Constitution. One of these guarantees is the "equal rights" guarantee of the Fourteenth Amendment which protects the individual against certain "state" action.

It often happens, then, that the policies of the various business entities clash, for one reason or another, with the right of the individual citizen to "equal rights" under the Federal Constitution. Of course, the individual citizen is only guaranteed "equal rights" as against government intervention; so, while he may be actively denied "equal rights" in a certain instance, if such rights are not infringed by the government, then he has no recourse to the Constitution for aid in the matter. Thus are the battle lines drawn between business entities seeking to advance their own interests by controlling or disparaging a certain segment of the people and citizens at large, seeking to realize the great American idea of universally equal treatment of all to all. The battle ensues.

The end result of this never-ending battle is not always clear. One thing is clear however, and this proposal would highlight and clarify this concept in the new Constitution - the business entities may not employ any form of State action to infringe upon the "equal rights" guaranteed to each and every citizen.

Police action is, of course, a very particular form of State action, particular in that it is a highly sanctioned, approved-of form of State action. This proposal makes it clear that to use the police power to infringe on a citizen's "equal rights" is not a legitimate use of the police power but is, rather, an abuse of the Fourteenth Amendment notion that the State may not, in any way, infringe upon the "equal rights" of the citizen.

The battle between business "power" and individual "rights" will continue but this proposal envisions that it shall continue unimpeded by the presence, on the business side, of what could be considered the ultimate weapon - the police power of the State.

Constitutional Convention

DELEGATE PROPOSAL NO. 435

BY DELEGATE (S) MITCHELL AND L. 77

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
General Provisions

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the General Provisions
2 section of the Constitution shall include a
3 provision guaranteeing equal educational op-
4 portunities to all people of the State, and
5 matters generally relating thereto, to read
6 as follows:

7
8 Equality of educational opportunity shall be
9 guaranteed to all the people of the State. The
10 General Assembly shall provide necessary pro-
11 grams including the facilitation and encourage-
12 ment of intra-state and inter-governmental
13 agreements to assure this end.

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Part 1 of 10
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THE HISTORY OF THE CITY OF NEW YORK

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME

BY JACOB LEVINSKY
OF THE CITY OF NEW YORK

NEW YORK: 1850

Vol. I

NEW YORK: PUBLISHED BY
J. LEVINSKY, 10 NASSAU ST.

NEW YORK: PUBLISHED BY
J. LEVINSKY, 10 NASSAU ST.

NEW YORK: PUBLISHED BY
J. LEVINSKY, 10 NASSAU ST.

NEW YORK: PUBLISHED BY
J. LEVINSKY, 10 NASSAU ST.

NEW YORK: PUBLISHED BY
J. LEVINSKY, 10 NASSAU ST.

NEW YORK

NEW YORK: PUBLISHED BY
J. LEVINSKY, 10 NASSAU ST.

Hearing Room
Committee on Governmental Organization
January 14, 1964

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 436

By Delegate Walter G. Finch

This proposal suggests that the preamble of the Constitution shall read as follows:

"We, the People of the State of Maryland, grateful to Almighty God, do hereby establish this new Constitution for the State of Maryland."

This proposal was suggested by Senator George L. Radcliffe after a careful consideration of the various preambles suggested for the new Maryland Constitution. It was Senator Radcliffe's opinion that the preamble of the Constitution should be concise and direct to the point and that it should not elaborate many short statements and exclude others.

This proposal quite openly takes the position that God is a part of our lives, our heritage, and our future.

The purpose of a Preamble is to establish the consent of the people for the creation of the government as set forth in the body of the Constitution. This consent, then creates the authority which will allow the government to function. The inclusion of an expression of gratitude to God, serves no purpose insofar as the workings of the government are concerned and has no relation to the problem of separation of Church and State because it establishes nothing in the way of an Institution. What it does do is illuminate a principle and affirm the general consensus of belief of the great majority of the people of Maryland in the idea of God.

There is certainly nothing in this bald acknowledgment of gratitude to God that indicates favor or preference for any creed, or church. As we are coming to realize today, the idea of God, the total concept is much more important than the specifics or institutionalization of the idea. The difference between a Godful nation and a Godless people is not the difference between Catholics and Jews or Christian Scientists and Bhuddists. It is the difference between a people who accept some idea of God and a people who reject completely any notion of God. To say that church and state must be separated is not to say that God must be divorced from the people.

It seems that, in this State and in this Nation today, there are indications of a general moral decline. This is, crimes of all types are increasingly evident and divorce rates continue to rise; thousands of teenage children are reported "missing" in a single city (New York) in a one-year period and violence and lust are top box office attractions in theatres throughout the Country. Now then, as this Convention prepares to create a "new" government, it might well give much thought to enshrining an idea in the Constitution, which by its very nature, bespeaks good morality and Golden Rule principles.

Missouri
State of Missouri
Clerk of the Court

Constitutional Convention

DELEGATE PROPOSAL NO. 437

BY DELEGATE FINCH

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 the Legislature shall establish a system for
3 punishing convicts whereby their labor shall
4 be used for public benefit and/or reparation
5 for injuries done to private citizens.
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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 437

By Delegate Walter G. Finch

This proposal urges that the Constitution contain a provision that the Legislature shall establish a system for punishing convicts, whereby their labor shall be used for public benefit and/or reparation for injuries done to private citizens.

This proposal reflects the belief that persons sentenced to confinement within a prison should expend their time and labor in a manner and for purposes which will benefit the general public and benefit, particularly, those persons who have been injured by acts of lawlessness. At least, this is the theory this proposal states. It is the feeling of the author of this proposal that the theory is so vital and so constructive that it will far-and-away surmount any obstacles which might occur in the practical operation of the proposal itself.

The ends envisioned by this proposal are not new in the field of penology or punishment of persons imprisoned. Indeed, convict labor has been the subject of numerous constitutional provisions and/or subsequent legislative enactments, and no less than 17 states have seen fit to provide for the matter in their own state constitutions.

Vermont, for example, provides, in its Constitution, that means ought to be provided for punishment for convicts by hard labor by employment for public benefit or for reparation of injuries done private persons. Washington, then, establishes the principle of useful convict labor in its Constitution but leaves the finer points of development to the legislature, saying that the legislature is to provide for convict labor for state benefit.

In this vein, North Carolina, in its Constitution, provides that persons sentenced to prison may be used on public works, highways, or other labor for public benefit. Other state constitutions could be cited as examples of documents which establish and call for various forms of convict labor - some are specific as to exactly what tasks convicts may undertake (ie public roads), while some leave the specifics to the legislature. The

important common denominator in these provisions is the phrase "for public benefit".

Now, the topic of the proper purpose of imprisonment is hotly and widely debated. It is not the purpose of this paper to argue the merits and faults of the various motives and purposes of imprisonment, be they detention, isolation, deterrence, revenge, or whatever. It is pertinent, here, to point out that an incarcerated individual is "in prison" because he has been convicted of committing a wrong against society; that such a person (assuming he has passed a rigorous physical examination) is capable of contributing something constructive to society as a product of his physical labor; that society, particularly individuals directly touched by a criminal act, is injured and harmed by the act of the imprisoned individual, and, that the imprisoned individual can, in some measure, "balance out" his wrong to society by contributing something tangibly constructive to society. This is a positive view of the purpose of punishment as compared to the more typical negative approach, isolation, where nothing is accomplished.

Now, as has been hinted, the principle set forth in this proposal raises many practical questions. One which comes to mind immediately is a matter of interpretation. When the matter of reparation is raised, should it be limited to having a convict work to repair his particular wrong or should all convicts be put to work on all wrongs? The better answer would be the latter - such labor would be useful labor and there is no validity or purpose in the point that a convict has the right to confine his labor to repairing his particular wrong - after all, it is not for the convict to determine or govern his own punishment, except that it should not constitute cruel and unusual punishment. Certainly, this proposal does not, of itself, advocate a form of punishment which is cruel (ie brutal) or unusual (17 states already provide for it in their constitution).

This type of proposal is not the kind of principle that should be left solely to later legislative development. It is a basic approach to the entire area of crime and punishment and should be established as such in the only document that can do so -- the new Constitution. Then, it can be specifically developed by later applicable legislation.

Constitutional Convention

DELEGATE PROPOSAL NO. 438

BY DELEGATE GRANT

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
The Legislative Branch .

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution contain a
2 provision requiring that any statute, ordin-
3 ance, regulation, or other action having the
4 force of law must be made part of a uniform
5 code and promulgated before becoming effective.
6

7 The General Assembly shall provide by law for
8 the establishment of a uniform system of com-
9 pilation of any statute, resolution, rule,
10 regulation, ordinance, order, proclamation, or
11 any other action by any unit of government
12 having the force of law and for their publi-
13 cation. No action having the force of law
14 shall be effective until it shall have been
15 made a part of such compilation and published.
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James
Manning & Co. Ltd.
London, E.C. 4

MEMORANDUM

TO THE DIRECTOR

FROM THE MANAGER

SUBJECT: REVENUE

1. The following is a summary of the results of the survey conducted by the Department of Revenue in the year 1954.

2. The results show that the revenue has increased by 10% compared with the year 1953.

3. The increase is due to a number of factors, including a rise in the number of licences issued and a fall in the number of licences surrendered.

4. It is suggested that the Department should continue to monitor the revenue closely in the future.

5. The results of the survey are attached to this memorandum for the Director's information.

6. The Director is requested to sign the memorandum and forward it to the Director of Revenue.

7. The Manager is requested to sign the memorandum and forward it to the Director of Revenue.

8. The Director is requested to sign the memorandum and forward it to the Director of Revenue.

9. The Director is requested to sign the memorandum and forward it to the Director of Revenue.

10. The Director is requested to sign the memorandum and forward it to the Director of Revenue.

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Supplementary Memorandum Accompanying Proposal No. 438

By Delegate Grant

It is almost an impossibility to find in any one place all the statutes, regulations, etc., which govern any particular matter.

In the non-metropolitan areas it is a total impossibility. A similar situation existed in the Federal Government before the Code of Federal Regulations (CFR) came into existence.

With the increasing complexity and inter dependency of the various actions of the Legislature, the State agencies and the local government of Maryland, a workable system of reference must be Constitutionally mandated and must have teeth in it.

Maryland Room
University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 439

BY DELEGATE L. Taylor

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and The Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution contain a
2 provision that would prohibit public funds to
3 be used to violate the right of equal protec-
4 tion and that the provision read as follows:
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6 No public funds dispensed by the State shall
7 be used to violate the right of equal protec-
8 tion by the State to all its citizens.
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Constitutional Convention

DELEGATE PROPOSAL NO. 440

BY DELEGATE L. Taylor

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
The Executive Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution include a
2 provision to create a State Department of
3 Human Resources and Environmental Planning,
4 and that such provision shall read as follows:

5
6 The General Assembly shall create a State
7 Department of Human Resources and Environ-
8 mental Planning with State Boards of Environ-
9 mental and Economic Planning for the sub-
10 divisions and regions of the State in order
11 to protect and conserve human resources in the
12 State and achieve for the general public the
13 most effective and beneficial utilization of
14 all resources of the State toward the goals of
15 satisfying both economic utility and the human
16 needs of improved environmental quality.

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CONSTITUTIONAL CONVENTION OF MARYLAND

Memorandum Accompanying Delegate Proposal No. 440

By Delegate Lloyd Taylor -

DAEDALUS, the Journal of the American Academy of
Arts and Sciences, Harvard University, Fall, 1967

"The New Economics of Resources", by Nathaniel Wollman

"The natural environment--its various dimensions and qualities--is an especially apt subject for the new economics. I shall assume that we all agree on the fact of environmental deterioration, and argue that the low value we put on the environment reflects deeply imbedded philosophic principles and historic sequences. The disregard of aesthetic factors and the dominating influence of the 'economic man' were joint results of common causes. We still have no scientific way of determining how much 'should' be spent on environmental quality, nor do we know what relationships, if any, exist between environmental quality and productivity. The knowledge we have of consumer preferences is inadequate, and we do not know how much weight should be attached to those consumer preferences that we can identify. Since environmental changes frequently trigger a sequence of irreversible effects, we cannot expect decisions to be both 'correct' and based upon democratic authority unless the electorate is well informed and aesthetically sensitive. Lacking these qualities but aware of the deficiency, the electorate can proceed with confidence if there is a qualified body to whom it can delegate responsibility. Since all levels of government have environmental problems to solve, there is need for a corresponding hierarchy of environmental boards of experts. These boards should possess the power and authority that is now accorded the military establishment, not only because the penalty of inexpert decisions may be just as disastrous for the human race as the effect of military weapons, but because the ability of most of us to make expert decisions is no greater in the field of ecology, broadly conceived, than in warfare.

"In advising or manning a board of experts, the economist functions as a member of a team. The economic task of 'optimizing' resource use consists of bringing into an appropriate relationship the ordering of preferences for various experiences

and the cost of acquiring those experiences. Preferences reflect physiological-psychological responses to experience or anticipated experience, individually or collectively revealed, and are accepted as data by the economist. A broad range of noneconomic investigation's is called for to supply the necessary information."

"...We know that man must be engaged in meaningful activity if his mental health is to be sustained. Throughout man's history, this need has been met by the production of goods and services. Now that we are faced with the prospect that man's involvement in the production process will be substantially reduced by the cybernetic revolution, his deep-seated psychological requirement for productive activity will have to be met by activities that now come under the heading of 'recreation.' (Income will no longer be a necessary inducement for work; nor will income differentials necessarily reflect differences in the ratios of the demand ¹¹⁾ for and supply of various occupations or activities.

"An alternative proposition, or at least one that modifies the impact of increased productivity, argues that part of the labor force released from the production of food, shelter, clothing, and equipment will be available for other purposes. We can, therefore, polish up the environment without 'sacrificing' any of the goods and services we now consider essential...."

"Rather than question our ability to achieve a high-quality environment, we should ask whether we want it badly enough to pay for it. The costs are not likely to be so great as to absorb resources needed for adequate diet, shelter, clothing, education, medical care, national defense, and whatever else we are likely to include under the heading of 'necessities. ..."

"References"

11. See Michael Harrington, The Accidental Century (Baltimore, 1966); especially Chapter 8, "The Statues of Daedalus."

"Aesthetic Power or the Triumph of the Sensitive Minority Over the Vulgar Mass: A Political Analysis of the New Economics", by Aaron Wildavsky

"...The new economics poses for itself essentially political problems. Which decisions shall be made through the market and which not? What decision structures will best assure environmental quality? How can aesthetic feelings be translated into public policy? What happens if strong aesthetic impulses are shared by only a small minority? Consideration of the problems surrounding public preferences will help throw the many political dilemmas into sharper focus."

"The new economics is in danger of misconstruing its mission. Its goals are laudatory (that is, I share them), but they cannot be achieved by self-deception. Little is to be gained and much lost by compromising the old economics. It should be perfected according to its own lights, so that at least part of the spectrum of values will be properly illuminated. What is first required is an accurate statement of the political problems involved in realizing environmental values."

"...New techniques of organizational analysis also provide splendid opportunities for current research. The development of computer simulation models is especially promising. These models view organizations as problem-solving mechanisms that use certain rules for arriving at decisions in a complex environment. These rules can be derived from interviews and observations, and programmed on computers. By recapitulating the processes of decisions on computers, it should be possible to explain how the organization works. One can then experiment with alterations in the assumptions guiding the organization, its specific rules for decisions, and its environment, and determine how these changes affect its policy outputs. Organizational changes can be experimentally produced as a better guide to action than mere guesswork.

"There is, in general, an appalling lack of information on the causes and consequences of environmental deterioration. If environmental quality is

broadened to include the design of urban living (and hence poverty and race relations), the absence of knowledge is even more startling. The availability of better information might reveal a wider range of choice and thus result in different political decisions. There is overwhelming need for experimentation. ..."

Constitutional Convention

DELEGATE PROPOSAL NO. 441

BY DELEGATE GRANT

October 30, 1967.

Introduced, read the first time and referred to the Committee on
The Judicial Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL prohibiting the State from using
2 certain information in the prosecution of an
3 offense (except perjury), from taking certain
4 action on the basis of information not a matter
5 of public record, providing for administrative
6 procedure, and matters generally related there-
7 to, to read as follows:

8
9 1. Any information which any person
10 may be required by law to file with the
11 State may not be used against that person
12 in the prosecution of any offense except
13 perjury.

14
15 2. The State may not deny, revoke or
16 suspend any license or privilege or take
17 any other action against a person or
18 private property on the basis of informa-
19 tion which is not a matter of public
20 record.

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22 3. No person shall be required to
23 make any administrative appeal of any
24 action by the State before seeking a
25 judicial determination of the contro-
26 versy in the lowest court having juris-
27 diction of the matter.

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C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Proposal No. 441

By Delegate Grant

Each day more and more persons are forced to do business with a faceless bureaucracy in vital matters concerning their livelihood and property. The intransigency of an agency increases directly as the distance increases from the petitioner and varies inversely as the petitioner's means to employ legal counsel to secure his rights. The action of such agencies as the Department of Motor Vehicles, the Department of Health, the Department of Public Welfare, etc., hold an economic life or death over many individual citizens. This proposal would require that the same standards of fair play protecting the rights of a citizen in dealing with police officials, i.e. confrontation, speedy trial, etc., be applied to protecting the rights of a citizen in dealing with administrative officials. It would specifically promote free disclosure of vital information by the citizen, prevent the use of nameless informers by the State, and prevent a citizen from being worn down by having to exhaust his administrative appeals before being eligible for judicial relief.

University of Maryland Library
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 442

BY DELEGATES WHEATLEY AND HULL

October 30 , 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and The Preamble

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Constitution provide that
2 a hearing be required by all administrative
3 agencies before the denial or withdrawal of the
4 benefits of that agency to a citizen of the
5 state under the due process of the law.

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Constitutional Convention

DELEGATE PROPOSAL NO. 443

BY DELEGATE GALLAGHER

October 31 , 1967.

Introduced, read the first time and referred to the Committee on
Legislative Branch

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that Section 3.03 of Article III
2 of the Constitution, dealing with the Legislative
3 Branch, provide for a permanent redistricting
4 commission which shall progressively reappor-
5 tion the state on an election to election basis,
6 to read as follows:

7
8 One year prior to each statewide general
9 election, plans of congressional districting and
10 legislative districting and apportionment shall be
11 established by a redistricting commission of five
12 members.

13
14 In establishing district lines and appor-
15 tionment, the redistricting commission shall use
16 official United States census figures only for
17 those statewide elections occurring within two
18 years after the date of the U. S. census. For
19 all other statewide elections, the redistricting
20 commission shall use population figures or esti-
21 mates which, in the judgment of the redistricting
22 commission, are the best available for accurately
23 measuring population growth. The goal of the re-
24 districting commission shall be to progressively
25 alter district boundaries and apportionment so
26 that apportionment in congressional and legis-
27 lative districts is always substantially equal.

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Maryland & District
University of Maryland System
College Park, Md.

Constitutional Convention

DELEGATE PROPOSAL NO. 444

BY DELEGATE CHABOT

November 3, 1967.

Introduced, read the first time and referred to the Committee on
Personal Rights and the Preamble
By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that the Declaration of Rights con-
2 tain a provision regarding the opportunity of a
3 citizen to challenge an unconstitutional action,
4 to read as follows:

5
6 Any citizen of this state shall have the
7 right to maintain a judicial action or proceed-
8 ing against any officer, employee, or instru-
9 mentality of the state or a political subdivi-
10 sion thereof, to restrain a violation of the
11 provisions of this constitution or the consti-
12 tution of the United States, including uncon-
13 stitutional expenditures. The legislature may
14 provide for such action or proceeding.

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Constitutional Convention

DELEGATE PROPOSAL NO. 445

BY DELEGATE Fornos

November 9 , 1967.

Introduced, read the first time and referred to the Committee on
Local Government.

By order, IRA J. WAGONHEIM, Chief Clerk.

TITLE

1 A PROPOSAL that no statute, regulation by
2 state agency, nor ordinance by municipality or
3 political subdivision of the State shall be
4 valid if it restrains or hampers the freedom
5 of normal commercial or contractual activities
6 between those engaged in intra-state trading
7 in legal commodities:--unless the prohibitions
8 or mandates contained therein, directly pro-
9 tect the health, safety or welfare of the
10 citizenry of the State.

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College Park, Md.

C O N S T I T U T I O N A L C O N V E N T I O N O F M A R Y L A N D

Memorandum Accompanying Delegate Proposal No. 445

By Delegate Werner H. Fornos

It is the intent of this proposal to prevent the members of the Legislature from being "pressured" into the enactment of "special interest" legislation-- in which the general public has no interest or is effected; but which strips many of the citizens of their normal right to engage in legal contractual activities in their occupational pursuits.

Over the years, powerful lobbies representing large industries or segments thereof, have converged upon the Legislature, and have pressured it into enacting what is generally termed as "special interest legislation".

Very often the sponsors of such legislation, pleading in behalf of validity, have hidden behind the thin veil of "necessary police powers" to obtain the nod of the State Law Department; using a declaratory preamble to explain its questionably truthful intent.

While in many instances the statute had no effect whatsoever upon the general citizenry of the State, it sharply curtailed the freedom of normal commercial intercourse--, for the benefit of its sponsors.

